

September 15, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 15, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER
HENRY SCHEIBLE

ALTERNATE: HARRY FERGUSON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the September 15, 2010 meeting of the Town of New Windsor Planning Board. Please stand for the Pledge of Allegiance.

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(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: I asked Mr. Scheible to join us inasmuch as Mr. Schlesinger is not here. Other than that, everybody else is here tonight.

APPROVAL_OF_MINUTES_DATED_JULY_28,_2010_AND_AUGUST_11,_
2010

MR. ARGENIO: First item on tonight's agenda is approval of the minutes dated July 28 and August 11, they were sent out via e-mail on August 10 and August 23. If anybody sees fit, I'll accept a motion we accept them as written.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion's been made and seconded.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

ANNUAL_MOBILE_HOME_PARK_REVIEW:

MT._AIRY

MR. ARGENIO: Annual mobile home park review. First is Mt. Airy Route 207. Somebody here to represent this?

MR. PALTRIDGE: Yes.

MR. ARGENIO: Yes, sir, can I have your name please for the stenographer?

MR. PALTRIDGE: Rich Paltridge.

MR. ARGENIO: Jen, how are we on this?

MS. GALLAGHER: Everything is fine, yes.

MR. ARGENIO: Fantastic. Do you have a check made out in favor of the town for \$250?

MR. PALTRIDGE: Yes.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we offer them one year renewal on their permit.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded. I'll have a roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

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WALTERS

MR. ARGENIO: Next is Walters Mobile Home Park.
Somebody here for this? We'll come back to it.

WINDSOR_ENTERPRISES

MR. ARGENIO: Next is Windsor Enterprises. Somebody here for this? We'll come back to that too. You called them?

MS. JULIAN: Yes, I did.

MR. ARGENIO: They said they'd be here?

MS. JULIAN: I spoke to them, yes.

MR. ARGENIO: They're not here, they'll have to wait. It is what it is.

AMBER GROVE SENIOR SITE PLAN (10-07)

MR. ARGENIO: First on tonight's agenda we have a public hearing and it's for Amber Grove senior site plan on Route 94. Henry, would you holler to those guys, they're out in the lobby, if they're not ready we'll take the next applicant. Are you guys ready or should I skip you?

MR. PFAU: We're ready.

MR. ARGENIO: This is Amber Grove totally senior, totally affordable site plan by Warwick Properties. The application proposes 84 totally affordable senior citizen housing units on a five acre parcel. The plan was previously reviewed at the 24 March, 2010, 9 June, 2010 and 28 July, 2010 planning board meetings. They're here this evening for a public hearing. What will happen here is the engineer and the owner will tell us what they have done since the last time they were here, we gave them some direction, the board will have the opportunity to review it and then we'll open it up to the public. So that said, what say you.

MR. EWALD: Good evening, Travis Ewald from Pietrzak & Pfau Engineering. With me is Mr. Steve Esposito, Esposito and Associates and Mr. Jonah Mandelbaum. Since we were before the board last, we've made a handfull of revisions to the plan set addressing comments from the Orange County DPW on various minor technical aspects regarding the sewer connection and the actual construction of the entrance. We've added a fence around the storm water pond and the detail for that fence and we have prepared a visual assessment addendum to the environmental assessment form and we have in our response letter we spoke to some of the concerns from the Department of Interior and the Palisades Interstate Park Commission.

MR. ARGENIO: What do you have in the form of visuals

for us?

MR. EWALD: We have the original architectural rendering.

MR. ARGENIO: Oh, that's beautiful.

MR. EWALD: That we can provide the board, this is more of a picture of what the building and the parking lot and the interior island will look like. And just to give you an idea of the architecture of the building then we have also prepared a color rendering of the architectural or the landscaping plan to give the board an idea of these areas of existing wooded areas to remain, the fence rows of the evergreen screening and the proposed landscaping.

MR. ARGENIO: Go back to the other one please for the benefit of the members everybody's aware that the Palisades Interstate Park Commission is across the street and they have stated that they have some concerns. As such, we have asked them or I had Dominic or Mark and ask them to do this visual over and above what we normally require, that is the color rendering on the previous page.

MR. VAN LEEUWEN: How many units are involved here?

MR. MANDELBAUM: Eighty-four one bedroom units for senior 55 and older.

MR. EWALD: And one superintendent's.

MR. VAN LEEUWEN: Similar to the other one?

MR. MANDELBAUM: Correct.

MR. VAN LEEUWEN: How many units are in the other?

MR. MANDELBAUM: Ninty-one.

MR. VAN LEEUWEN: This is only 84?

MR. MANDELBAUM: Correct.

MR. VAN LEEUWEN: Is that one stage?

MR. MANDELBAUM: Only one stage, one building, correct.

MR. ARGENIO: What do you have there Jonah, do you have some other things you want to show us?

MR. MANDELBAUM: I'll have Steve Esposito speak to other aspects of the visual.

MR. ESPOSITO: There was, it was our understanding that the board had two concerns with views to the site from off-site areas.

MR. ARGENIO: That's correct.

MR. ESPOSITO: And I will just go back to the plan for a minute. Knox's Headquarters, the drive is right here to the southwest of the site. So what we did is we took a look at, analyzed a viewshed along this access and then also from the intersection of 94 and Forge Hill Road, so we took a viewshed along that axis and what we did is we took, we went, we wanted to take a look at the building and what you see is we want to take in addition to the rendered drawing that you have which shows colors, the colors of these buildings will be all earth tone, beiges, browns, those types of colors, so muted colors that will fit right into the landscaping. This is Section A which is from the intersection of Route 94 and Forge Hill Road, what you see is the existing building, part of it is really an elevation so you're actually looking in this direction so you see the building, you see, the building in context, this line on the top there looks like a cloud that's the existing vegetation behind it so when we set

the building into the site the building is not going to be the sky line above the existing vegetation, it's going to be below the existing vegetation so you're not going to see that impact of the roof below the sky line. You see this area all existing vegetation that's this area on the intersection so from this particular point from here to here we'll say from the right-of-way line to the curb line of our parking lot is about 200 feet so you're going to have 200 feet of existing and proposed landscaping. Around the perimeter of the site is an existing stone wall as part of the construction Jonah's going to rebuild that whole wall so from motorists' height that wall's going to do a lot for screening in your foreground.

MR. ARGENIO: Mr. Esposito, do you have the ability on those two axes that you have indicated to give us some kind of photographic simulation? That would be fantastic.

MR. ESPOSITO: We looked at doing that and from this axis it would really be a wasted exercise, all you'd see is the existing trees.

MR. ARGENIO: No, I mean a possible photographic simulation.

MR. ESPOSITO: From this, if you look at in this photograph right here is the existing photograph, existing conditions from the intersection as you'll see there's really no, these darker green areas.

MR. ARGENIO: What you're saying is the trees will be there post construction?

MR. ESPOSITO: Yes, so you really--

MR. ARGENIO: What about the other axes?

MR. ESPOSITO: Just if I could so that's why we

analyzed it in sections because it shows you a little for context existing vegetation on this site, existing vegetation in the background and then the existing vegetation along the Route 94 corridor. What we did is basically standing about 10 feet just off the entrance to Knox Headquarters so again we're looking down, looking at that axis almost west, east and again what you will see is the line of the top, the cloud looking line that's the existing vegetation that's going to be behind the building. And again, we set, the building is set into the landscape so it will not protrude above the existing tree line, again minimizing the impact of the roof. You also see in the background existing vegetation and again so you're looking in this direction and then you also see our proposed screening which is going to be a mix of deciduous and evergreen screen, those plants that we planted will ultimately reach heights, mature heights of 60 to 70 feet.

MR. ARGENIO: What's the answer to the question?

MR. ESPOSITO: From this view we can do that.

MR. ARGENIO: Could you do that?

MR. ESPOSITO: We can do that.

MR. ARGENIO: That would be very helpful if you could.

MR. GALLAGHER: From this view is the entranceway right there where we're looking to go into the building?

MR. ESPOSITO: No.

MR. ARGENIO: From east to--point to it.

MR. EWALD: Right here.

MR. ESPOSITO: This is the view line here.

MR. GALLAGHER: So we're farther up where the car's coming around the bend?

MR. ESPOSITO: Probably this is the sign, just passed that sign.

MR. VAN LEEUWEN: How many feet is that from the intersection?

MR. MANDELBAUM: Our entrance?

MR. ARGENIO: Long ways.

MR. VAN LEEUWEN: Five or six hundred feet?

MR. ARGENIO: Yeah, it's every bit of that.

MR. GALLAGHER: Is there any blind spots where the car's coming out?

MR. EWALD: Blind spots?

MR. GALLAGHER: As far as the sight distance?

MR. EWALD: Sight distance you're looking here we held the stone wall and proposed landscaping back behind where the sight distance is going to be measured on the design plans.

MR. GALLAGHER: What about if you come out and take a left where the car's facing us?

MR. EWALD: Same thing you're actually sitting right here, you're looking, your corridor of sight is in front of all the landscaping, we took that into consideration when we were preparing this.

MR. VAN LEEUWEN: Is there a sidewalk?

MR. EWALD: There's a sidewalk and behind the sidewalk

is the proposed stone wall.

MR. VAN LEEUWEN: I didn't see that before, okay.

MR. VAN LEEUWEN: Because we want to get the senior citizens to the shopping center, they need to eat.

MR. ARGENIO: I'm going to say that while we continue to take a look at this, I'm going to say that on the 3rd day of September, 2010, Nicole compared 192 addressed envelopes containing the notice of public hearing to a list provided here by our assessor. She sent them out and notice of this public hearing tonight is that public hearing. If anybody would like to speak for this application or against it or just be heard relative to it, please raise your hand, be recognized, I'd like your name and your address for the benefit of the stenographer and come up and speak in a clear, I see you, ma'am, I see you, okay, come up and speak in a clear, intelligent voice and we'll hear what you have to say. Ma'am in the back, would you please come up and give your name and address to the stenographer and we'd love to hear what you have to say?

MS. NEMETH: Marie Nemeth, 336 Old Forge Hill Road, apartment 2102, New Windsor, New York.

MR. ARGENIO: Miss Nemeth, what do you have?

MS. NEMETH: Well, I just wanted to tell you we're sitting all the way in the back, we can hardly hear what you guys are saying over here. And for the second thing show what you're talking about, I mean, the pictures are all this way, we don't see what you guys are talking about. Okay? That's what we wanted the people in the back we were all saying you're talking here but we're not seeing anything. That's what we wanted to say.

MR. ARGENIO: That's it?

MS. NEMETH: Okay, so if you could talk and tell us and show us what it's all about.

MR. ARGENIO: Do you have a question, ma'am?

MS. NEMETH: No, that's what I raised my hand about that we wanted to see what you were talking about, okay.

MR. ARGENIO: Thank you.

MS. NEMETH: Mr. Henry Van Leeuwen, I would like to talk to you afterwards. Thank you.

MR. ARGENIO: Yes, sir?

MR. WILLIAMS: Eric Williams, 394, Riley Road, New Windsor. I was wondering if adequate legal notice was given for this public hearing?

MR. ARGENIO: It was not.

MR. WILLIAMS: And you're allowing the public hearing to go on?

MR. ARGENIO: Certainly.

MR. WILLIAMS: Thank you.

MR. ARGENIO: Okay, anybody else? Sir in the front with the dark hair and the blue shirt.

MR. CALOTTA: Bob Calotta, Shaker Court. My question is mainly directed towards the entrance along Forge Hill Road, haven't yet been pinned down with where that entrance is to speak to it more precisely, so these gentlemen can show me where along Forge Hill Road it is located. And I would underline what the woman said it would have really been helpful had these been turned in

a direction as you were learning about the information we would have been able to follow being that it's a public hearing for us to formulate questions, it would have been nice to have seen it.

MR. ARGENIO: What's your last name?

MR. CALOTTA: Calotta, C-A-L-O-T-T-A.

MR. EWALD: This is the exit, this is the entrance for Fort Knox Headquarters and this is the proposed entrance for the project.

MR. CALOTTA: Have you measured the distance between the two entrances along Forge Hill Road?

MR. EWALD: Between these two?

MR. CALOTTA: Yes.

MR. EWALD: It's approximately 200 feet.

MR. CALOTTA: Approximately, 200 feet. Okay, my objection has to do with safety here along Forge Hill Road.

MR. ARGENIO: You know what I'd like you to do, Travis, please hold it up there on the wall so everybody can see it. Go ahead, Mr. Calotta.

MR. CALOTTA: My concern is that the, both these entrances will create a traffic hazard and that's traffic coming back and forth. I don't know what the traffic numbers are but having lived close by there's quite a regular stream of traffic day and night. The area is hilly coming up and down and there are turns and bends in the road. And you know as good as our police force is when they're not there speeders are using that road for a drag strip. But primarily the left and right-hand turns into this development does

create a hazard in that people coming from either direction is going to have to slow down, stop and if they don't see that traffic accidents could occur. I'm asking are you proposing putting any turning lanes whether it's off to the shoulder or in the middle like you have on the complex on 32?

MR. EWALD: We're not proposing any turning lanes, we have measured the sight distances out at proposed intersection both how the site sits currently and also with the proposed modifications to the grading and the landscaping, et cetera, and they meet the requirements for the turning, sight distances, the entrance has also been reviewed by the Orange County DPW as this is a county road and we have just recently we have gone back and forth with the county on a series of modifications to the plans and they found the plans to be satisfactory.

MR. ARGENIO: Let me add an additional thought, Mr. Calotta he speaks exactly correctly in that it is a county road.

MR. CALOTTA: I assume so.

MR. ARGENIO: And I do have a letter here from the county with two and only two comments on it relative to the entrance and they're minor, technically minor in nature. One has to deal with a stop bar, how it's painted and the other one has to do with the methodology in which the pipe sleeve goes in, but the county and it's their road, the county is in concurrence that the entrance is safe.

MR. CALOTTA: The other is more aesthetics, it is a historic zone, the road itself is within the historic zone and adding more entrances does distract from that the more, the less likely it is with more traffic coming in and out. I would ask if you have thought about putting an entrance and exit shared with the

current entrance and exit to the current school there on Blooming Grove Turnpike or Route 94, such as you have on Route 32 where you share an entrance and exit that's already existing? In other words, to reduce the need for another intersection in an area that's already well sighted and well known as a known entrance and exit.

MR. ARGENIO: Guys?

MR. MANDELBAUM: I can answer that. Due to financing what we have on Route 32 is completely different, we had a previous easement existed we were allowed to use here, we don't have that.

MR. CALOTTA: Could you negotiate?

MR. MANDELBAUM: They prefer to be that we be on their own and they would be on their own, they don't want to share in any cost or maintenance and so on because financing is completely differently, it's a Division of Housing financing through the State of New York and I'm not sure which bank I'm going to go to either. So the decision was made because they did not want to get an easement, they wanted to be on their own to be on our own, stand alone and be our own entrance and completely separate lots so we can get our own financing.

MR. CALOTTA: Again, I would enumerate that it is a historical district that minimizing such impact by sharing or purchasing land to allow entrance there would preserve more of the integrity of the areas, the areas already flood, I use that word loosely, but if you look across 94 lots of entrances and exits down Blooming Grove, lots of entrances and exits. This area of Forge Hill which has been held pristine for a long time and to start opening it up and start using it up will diminish its value.

MR. ARGENIO: Okay.

MR. CALOTTA: The last question I had had to do with the sight of deciduous and evergreen trees, do you know for sure what happens in the fall, winter and spring when no leaves are on the tree, what affect that has on visual impact, light and the buildings themselves? From the roadway it looks great in the middle of the summer.

MR. ESPOSITO: One of the things that section over there but I will talk about this, this is the off Forge Hill if you're looking at the existing vegetation, the proposed landscaping is primarily now again, I started earlier going to just go back to the historic and the aesthetics of this section of road it's part of the construction Jonah's going to be rebuilding the existing rock wall back to the shape that it was originally, that's going to be again about a 40 inch wall which will do wonders for cleaning up the edge and then also as a buffer in the foreground to the building. Also you'll see there's an extensive proposed landscape buffer around the perimeter of the parking lot, one, to screen the parking lot and two, to screen the buildings, it's a mixed planting, both evergreen and deciduous. The evergreen trees that are specified will get up to 60 or 70 feet mature heights, deciduous trees well up to 100 feet and we have also looked at putting the building in context with the existing vegetation that's there now, granted most of the vegetation is deciduous but you still get screening from those, you still have, you're still going to have a backdrop, soften the roofline as well and then again just sheer distance from the road, one of the things is the building is set back in the corner off Forge Hill and off 94.

MR. CALOTTA: So my original question hasn't been answered. What happens in the fall, winter and spring when the leaves drop, what do we see from the road?

MR. ESPOSITO: Basically, you'll see just what you see right here because this is the--

MR. CALOTTA: The building, and when you put plantings in, I don't imagine next year we're going to see the trees grow up to any appreciable height. How many years out are you?

MR. ESPOSITO: Well, this represents planting height right here so you're looking at--

MR. CALOTTA: So looking at 10 or 20 feet?

MR. ESPOSITO: In a five year period, you're looking at 10 or 20 feet.

MR. MANDELBAUM: We'll start with minimum six to eight foot. Also let me add--

MR. CALOTTA: Let's be clear about what we're talking about, we're talking about something that's 40 or 50 years out.

MR. ESPOSITO: First of all, you are maintaining the existing vegetation number one, number two, if you look at a cross-section of this, this is the proposed grade, the road is down here, then you've got a wall that sits up from the road that's going to be a 40 inch wall.

MR. CALOTTA: That you all explained.

MR. ESPOSITO: And there's a proposed berm behind there, a wall so then we're going to plant trees on top of that as well.

MR. CALOTTA: I just want to make sure we understand exactly so we're going to see the second and third story of these buildings from the road?

MR. ESPOSITO: From Old Forge Hill Road you'll see

them, from 94 very likely not.

MR. CALOTTA: What kind of lighting around the building at night?

MR. MANDELBAUM: Identical lighting as you see there, the amber, correct, amber yellow lights.

MR. ARGENIO: Do you have another question?

MR. CALOTTA: No, thank you.

MR. ARGENIO: Thank you. Anybody else have a question? The young lady?

MS. LEININGER: Cathy Leininger, 9 Forge Hill Road. When did the Orange County do the traffic study?

MR. EWALD: They didn't do a traffic study, they reviewed the plans we submitted to them which is--

MS. LEININGER: Is it possible to get a traffic study done?

MR. ARGENIO: What's required by law is that the county review the plans in so much as it's their road anything is possible. Typically, we don't look for a traffic study, the town doesn't unless there's a substantial, substantial impact.

MS. LEININGER: Well, I live on the road and I think there's going to be a substantial impact because it's really busy, there's trucks going back and forth, any kind of construction and school buses, school cars, everything, you know, it's constantly, constantly busy day and night. And it concerns me because we're going to have a couple of senior citizens that aren't going to make it on this road, so I think that really has to be looked at.

MR. ARGENIO: Okay.

MR. MANDELBAUM: You're saying senior citizens don't drive? Well, I'm only kidding. Let me answer about the traffic, somebody has a concern, I heard it twice already. Just to be aware in all our studies we have done in all our buildings only about 50 percent of the tenants to 60 percent actually own cars. And the traffic that they generate generally is off peak hours, you don't have it during school time because they don't go to work at 8 in the morning and they leave, they have their own hours, 10, 11, 12. So they create traffic off peak which is the easiest time to get in and out of the building. We find it to be actually the fact at many of the locations, most of the seniors are on a fixed income, they're not working, pensions, Social Security and so on, so we don't find them to be creating traffic as per se, you have a typical apartment building.

MS. LEININGER: All due respect, the other one on 32 sometimes it's a little leery passing that entrance over there, it's got its moments.

MR. MANDELBAUM: I cannot speak about individual drivers.

MR. ARGENIO: Yes, that's, let's not go there. Thank you. Someone else? Bill?

MR. STEIDLE: Good evening, my name is Bill Steidle, I reside on Jackson Avenue. At the onset, let me say that I reviewed the file under Freedom of Information recently, in fact, I made copies of plans and letters and whatnot at considerable cost and Nicole was nice enough to help. I will say none of this information that was presented tonight was in the file. So I speak tonight from the information that was in the file on the date that I reviewed it and that was during the public review period. And let me say that I was

particularly interested in three letters that were in the file, two of those letters were from the New York State Office of Parks, Recreation and Historic Preservation, the owners of the Knox Headquarters, the third letter was by Palisades Interstate Park Commission operator of Knox Headquarters. Both, all of those letters had a similar theme and number one, all the letters indicated that this project would have a significant negative impact on the historic--

MR. ARGENIO: I'm going to interrupt you right now and I'm going to tell you why. There's a lot of people in the audience here tonight that want to speak and what I would prefer not to do is to go over history, let me finish, what I'd like to do is and as you know is if you have a question or comment about this particular application, I certainly would encourage you to ask it. Mr. Williams' comment about the public hearing I will address that when we're all done with the public hearing and we're going to move on. But what I'd rather not get into is a history lesson here cause it's not fair to the other people in the audience who would like to speak, I mean, it's just unfair, Bill, so I want to focus on this project. Please.

MR. STEIDLE: There was two letters, one from the owner of the site, Historic Preservation people and one from the Palisades. But all those letters indicated that this project would have a significant negative impact on the project. Number two, it said that, all the letters said that alternative sites should be looked at. Now, I happen to agree with both of those comments and I happen to respect the agencies that made those comments. I worked with those agencies and if you have letters from New York State Office of Parks, Recreation and Historic Preservation that says that they're now satisfied with this project, I will conclude and say goodnight. Lacking that, I would like to speak and finish my comments. Now, let me indicate that the subdivision aspect of this project I think is the most

critical portion of the project where the site is located in proximity to Knox Headquarters. It's unfortunate that the planning board waived the public hearing on that aspect, this public hearing should be a joint public hearing on both the subdivision application and the site plan application. There's no reason to waive or segment the project by waiving a portion of the project. Let me speak a moment about the State Environmental Quality Review Act. I had the privilege to work for DEC for four decades, part of four decades, one of those was the 1970s, the State Environmental Quality Review Act was passed in the '70s, it is looked at by many land use planners as the most significant environmental legislation passed in this century. Unfortunately, New Windsor has never benefited from that law but that's a story for another day. In any event, the State Environmental Quality Review Act requires that the lead agency in this case the New Windsor Planning Board require a Draft Environmental Impact Statement, if there may be a significant, adverse impact. You have the experts stating that it will have a negative impact, certainly I'm in agreement with those comments based on my own evaluation. That necessitates I believe and you can, you certainly have knowledgeable counsel but my belief is that that requires a Draft Environmental Impact Statement. Now, you may say well, we've made changes in the project, you moved the building back five feet, this is a big building, this building would not fit in the new Meadowlands arena. This building is almost two foot ballfields long, 600 feet long, it's three stories. Movement of the building five feet has no beneficial impact whatsoever. The tree planting plan that I reviewed what was in the file at the time was I think could have been improved greatly, it relied on two specimens only, white pine and white spruce, both of which have some limitations. Steve who I worked with for many years has indicated that deciduous trees are mixed in there, that's certainly desirable, you should not utilize two specimens only, you should have

a mix, they should be planted to be aesthetically pleasing, not just to screen the site. Again, I would look for an input from the Historic Preservation people as to their belief on that aspect of the project. But certainly, the tree plantings and the five feet do not overcome the impacts, the significant adverse impacts of this project. The board, the applicant has experts, the board should have a landscaped architect of its own reviewing these plans. The board should have a planner, to operate without a planner in the 21st century is horrible, it's just not the way that a municipality of this size should proceed. So in closing, let me make my three points. One, I believe that this project will have significant, adverse impacts on historic resources. I share the comments of the state agencies that they too say that this project may have significant impacts. The project in my mind and I worked with SEQRA for 25 years or more in my estimation, my judgment, my professional opinion this project requires preparation of an impact statement. No question, no question, it's not a marginal case. This project requires an EIS. And three, the planning board needs to get on an even keel with developers, needs a planner, it needs a planner to compliment a good attorney and a good engineer, you need all three in today's day and age and a plan like this where they're relying on landscaping to try and block the visual impacts of a 600 foot long three story building across from a house built in 1770 requires professional assistance. I think otherwise is folly. Thank you.

MR. ARGENIO: Thank you, Bill. Anybody else? Sir with the white shirt on? Your name for the stenographer, please?

MR. DAVIS: My name is Jordan Davis, 748 Blooming Grove Turnpike.

MR. ARGENIO: What's on your mind tonight?

MR. DAVIS: I simply wanted to second what this gentleman said about the necessity for an Environmental Impact Statement. That's pretty much it.

MR. ARGENIO: Thank you. Leo?

MR. BRAUN: Leo Braun, New Windsor. Got three basic questions. Unfortunately, Mr. Schlesinger is not here, dumpsters and trash, how would the trash be handled with old or handicapped people and pick up and so forth in a hallway? And also the location from the plan that you have actually is on the extreme westerly end of the area, not centered, not, it's on the extreme side.

MR. ARGENIO: What we're not going to focus on is inside building, it's really not under the purview of the planning board, but we certainly will address the site. Mr. Esposito, can you please address his question about the refuse or Travis?

MR. EWALD: Certainly. This is the dumpster location right here, it will have a roof, it will be a structure to house all the dumpster containers. And this is the superintendent's apartment and if I'm correct the superintendent is available to help the seniors get their trash out to the dumpster, if need be.

MR. BRAUN: I assume that's the extreme left-hand corner, I have to walk all the way up to get my, dump my trash?

MR. MANDELBAUM: If you choose to, yes.

MR. BRAUN: And what if you can't?

MR. MANDELBAUM: You call the super and he'll be happy to take your garbage for you, it's up to the individual.

MR. BRAUN: It's a long walk.

MR. MANDELBAUM: You'd be surprised how many seniors we try to get the garbage, no, don't touch it, it's my exercise, I don't want you to touch it, it's a walk. We have well over 1,000 of these apartments and we don't have a problem with any of the apartments.

MR. ARGENIO: Leo, go ahead.

MR. BRAUN: Item two, handicapped area if I'm not mistaken there are 84 units?

MR. MANDELBAUM: Correct.

MR. BRAUN: Four handicapped, four are being shown on the plan?

MR. ARGENIO: Mark, can you speak to that, Mark, please?

MR. EDSALL: Are you talking about units or parking spaces?

MR. BRAUN: Handicapped is being shown on the plan 84 units is being built.

MR. ARGENIO: And there's four parking places.

MR. BRAUN: Senior citizens that are going to be in this area.

MR. EDSALL: So you're asking if four handicapped spaces is adequate for the 84?

MR. BRAUN: I don't think so.

MR. EDSALL: That's your question?

MR. BRAUN: Yes,

MR. EDSALL: Obviously, Mr. Mandelbaum has the option of reserving spots based on unit so there's a spot easily accessible distance wise to a particular unit, that's an option, that's a management issue separate from the planning board, but relative to the number of parking spaces, New York State Code for 100 parking spaces or less four spaces is what's required.

MR. BRAUN: And the location?

MR. EDSALL: The location can be adjusted based on his preference and where the units are.

MR. MANDELBAUM: Closest to the main entrance.

MR. EDSALL: He would know that.

MR. MANDELBAUM: And there's a ramp?

MR. EDSALL: The internal adjustment he would take but those spaces are acceptable.

MR. BRAUN: The other problem is is the central section of the area all those handicapped areas are in the handicapped area, not to the left, not to the right, all in the center so if I'm unlucky and I'm handicapped, I have to be in the center of that building?

MR. MANDELBAUM: Not true, depends what your handicap is, we as a management inside the management company runs it, if somebody's in a wheelchair, we let them have a preference of where they want to be, all the apartments are handicapped accessible or adaptable.

MR. BRAUN: I'm talking about the parking spaces.

MR. ARGENIO: Look, look, look, Jonah, the handicapped parking is it located close to the main entrance?

MR. MANDELBAUM: Correct.

MR. ARGENIO: Leo, where else do you want to go other than that?

MR. BRAUN: I'd like to see a couple more probably in the left side and the right side as well.

MR. ARGENIO: You understand he's meeting the State Code with what he's doing, not our code, State Code?

MR. BRAUN: But that's a minimum, I'd like to see at least eight.

MR. ARGENIO: Understood. What was your next thing?

MR. BRAUN: Number three, cars, 84 units, I assume 84 parking spaces one per family?

MR. MANDELBAUM: Go ahead, I'm sorry.

MR. ARGENIO: What's the question..

MR. BRAUN: My question is first come first serve basis and what happens to the two family car situation or two car family situation?

MR. ARGENIO: Again, we're backing up big on this, there's a code, a senior code in the Town of New Windsor that's been in existence, the applicant is compelled to meet that code. Mark, where are we with that, with him meeting the code with the quantity of units and the amount of stalls that he has?

MR. EDSALL: He's meeting New Windsor's code relative to the number of parking spaces, Jonah's presentation was that his experience for the one bedroom type totally affordable units he builds don't require even what our code says. However, we told him he really should provide, you have to provide what New Windsor's

code requires so in his opinion, he's giving us more than what he needs. In our opinion, he's meeting the code.

MR. MANDELBAUM: We're actually exceeding the code.

MR. EDSALL: But you're exceeding what you believe you need by a lot more.

MR. MANDELBAUM: By 40 percent.

MR. EDSALL: But he's meeting New Windsor codes, he believes he could use less, we're saying no, give us what the code says.

MR. BRAUN: Should be up to code if not more than and do you have a, is it a first come first serve basis or is the parking if you have apartment 100, you have parking number 100?

MR. MANDELBAUM: There's no parking assignment, it's first come first serve, yes.

MR. BRAUN: Not living there. Thank you.

MR. ARGENIO: Anybody else?

MS. SHAPIRO: My heart is really warmed because my neighbors join me in really caring about the environment, historical significance, historic New Windsor, right, 40 years I've lived in historic New Windsor but as Bill said, I really never felt that the history call part was being attended to. And maybe now this is a beginning so thank you. I really hope you take this into consideration, we have I think five historical sites in New Windsor, five.

MR. ARGENIO: Have you been to them?

MS. SHAPIRO: Every one of them more than once.

MR. ARGENIO: Then how can you say you don't feel historical? I feel historical.

MS. SHAPIRO: The town must support this building and Bill is right on target as usual, so whether we're talking about a senior housing with all the points that were made which were excellent, every one of them, you would agree or we're talking about what's next on the agenda putting cell towers up on buildings in historic New Windsor.

MR. VAN LEEUWEN: That's not what we're discussing.

MR. ARGENIO: Fran, let me interrupt you.

MS. SHAPIRO: Interrupt.

MR. ARGENIO: I'm going to interrupt you and people in the audience please give me your sigh or don't give me your sigh. We have to stay on point here, Franny, I can't, let me finish, please don't give me a lecture, I share your passion, you're very passionate but I really would like, we need to stay on point with the application.

MS. SHAPIRO: I'm done. You took more time, I was leaving, thank you.

MR. ARGENIO: Hey, you're too much.

MS. SHAPIRO: Thank you, thank you. From you, I really appreciate that.

MR. VAN LEEUWEN: Fran, you haven't changed in 40 years.

MS. SHAPIRO: Only more wrinkles but the thing is will you guys change. I've been talking about the environment in this town for 40 years. Hank, you were

young and handsome at that time.

MR. VAN LEEUWEN: My hemorrhoids are killing me.

MS. SHAPIRO: I'm old with wrinkles but I'm still talking about it.

MR. ARGENIO: Thank you. Your name please?

MS. HUGGINS DAVIS: Fannie Huggins Davis, 748 Blooming Grove Turnpike. You know, I agree with them about the whole environmental thing so I want to know will there be an environmental impact statement done? Will one be done?

MR. ARGENIO: I can't answer that at this moment, I mean, this is a board, we discuss things, we talk about things in the open public venue and we move forward.

MS. HUGGINS DAVIS: What do you do to try to get that to happen?

MR. ARGENIO: We sit here and discuss it with people in the audience and they listen and we discuss it and we move forward, that's what we do.

MS. HUGGINS DAVIS: Okay, so you don't know yet then?

MR. ARGENIO: No, of course not. I can't speak for these folks.

MS. HUGGINS DAVIS: Can we have input that we want one then?

MR. ARGENIO: I already got that part, we already have that part.

MS. HUGGINS DAVIS: Just want to give more impact then.

MR. ARGENIO: Anybody else? The gentleman in the blue

shirt in the back?

MR. ZEIGLER: Jay Zeigler, Z-E-I-G-L-E-R, 810 Blooming Grove Turnpike. Just really three concerns at this point, one is the vegetation that won't be around afterwards, I mean, I realize that the leaves come off in the wintertime, I think we'll end up seeing more than what we want but--

MR. ARGENIO: Probably likely.

MR. ZEIGLER: The other thing somebody mentioned the stone wall, is that going to be replaced with the existing stone or is it going to be something, a modern wall?

MR. ARGENIO: It's my understanding it's going to be replaced with the indigenous stones on site.

MR. MANDELBAUM: And continuous all the way on the other road where no wall exists.

MR. ARGENIO: It's going to be fieldstone.

MR. MANDELBAUM: Not cultured stone, real stone.

MR. ZEIGLER: The other thing being that I live diagonally across, is there any guarantee that the project will be finished because I wouldn't want to live across the street from like an eyesore that's in the Town of Cornwall?

MR. MANDELBAUM: Once we have approval from the state it will be finished, it's a process, this is only one process, we have to go to the State of New York which is a similar process.

MR. ZEIGLER: Once construction gets started.

MR. ARGENIO: Once construction starts, there's a

beginning and an end, that's what you're asking?

MR. ZEIGLER: Completion, yes.

MR. ARGENIO: Not 10 years from now.

MR. ZEIGLER: Not like the eyesore in Cornwall across from the Quaker Meeting House.

MR. MANDELBAUM: We started, we finished the other one, we already have 148 people on a waiting list so we definitely plan as soon as the State of New York approves we'll start and finish, absolutely, I share your concern.

MR. ZEIGLER: Thank you.

MR. ARGENIO: Thank you. Yes, madam in the back, Leo's wife or significant other?

MRS. BRAUN: Cathy Braun, Burrows Lane, New Windsor. Currently we're under a level one draught situation and it's not because of lack of rain or snow, it's because there's too much water usage. So my concern is what's your water source?

MR. ARGENIO: Mark, can you and just elaborate a little bit on the water for the project, the domestic water?

MR. EDSALL: They can speak on their usage and I don't believe that there's any prohibition on connections within existing districts.

MR. ARGENIO: Steve or--

MR. EWALD: We plan on connecting into the existing water main that's along New York State Route 94, it's Town of New Windsor water.

MRS. BRAUN: That goes to the aqueduct you're saying?

MR. MANDELBAUM: It's part of New Windsor water system.

MRS. BRAUN: Versus a well, so it's the same water system that the town is using?

MR. MANDELBAUM: Correct.

MRS. BRAUN: Maybe more people drawing on that, that's just another concern cause as I say we're using too much as it is so I'm just mentioning that as a concern. Thank you.

MR. ARGENIO: Thank you, Cathy. Who else? The young lady in the back, please, sitting behind Leo?

MS. YARIS: Yes my name is Betty Yaris, I live at 744 Blooming Grove Turnpike so I'm across from this new facility. There's one thing I'd like to open with first I would certainly admit that most people in the town appreciate that we're going to have senior citizen housing that's affordable. I think everything we read speaks to that point and the fact that we all know that senior citizens are in dire need of this and we know that Jonah has been very successful in that endeavor in other communities. I also know because I had the opportunity to speak with Mr. Mandelbaum the last time here in the town if he recalls and when I posed to him some of the issues about the appearance and the fact I didn't know about the environmental study and the Palisades Parkway's concerns about this, he indicated to me that it's really up to the planning board and that he because being a good businessman and a successful businessman is going to do what the town asks to accommodate the citizens and the community and be successful. So saying that and recognizing that I would submit to you that it is incumbent upon this planning board to listen to the people of New Windsor who are telling you that this environmental study, this historical issue, the fact that the Palisades Parkway

Commission has written to you and complained that Mr. Mandelbaum will be receptive I believe to making the accommodations that you request but it's really incumbent upon this planning board representing the people in the Town of New Windsor to have this properly executed. No one argues that we need this kind of housing, no one argues that this thing is going up, I think we're going to be responsible and provide the opportunity for proper parking and water and all of those things. But it's really incumbent upon this planning board as a governmental division of our town government that you have to be responsible and ask Mr. Mandelbaum to make these accommodations which meet the requirements and requests of many of the people here. And I believe again given his reputation, given his preeminence in the real estate industry that he would certainly accommodate that so it really is falling to you. And that's my comment.

MR. ARGENIO: Well thought out, well presented, thought out commentary, if I do say so myself.

MR. BEDETTI: Frank Bedetti, Harth Drive. I just have one comment to make relative to this project. If I recall, the historic district runs something like 400 feet from the road on both sides of the road from 94 right down to 9W, and my comment essentially is the following. I don't believe that the master plan committee would consider this to be in compliance with what we had in mind relative to the preservation of the historic site from both the size of the building point of view and its location within that 400 foot zone. The overall location, meaning the 40 some acres is probably a good selection that particular site on the corner right across the street from the, from Knox Headquarters I believe again is not consistent with what we thought would be the best approach to preserving our historic, one of the two historic sites identified in the master plan. Thank you.

MR. ARGENIO: Thank you. The young lady in the back row, your name?

MS. CARMICHAEL: Angela Carmichael, I live at 6 Provost Drive, New Windsor. I have a question about the letter that you sent, what does it mean senior citizen affordable housing super apartments? Can you explain what super apartments means?

MR. MANDELBAUM: The super is for, there's one superintendent who would live on the site who actually gets an apartment, part of his job is to live on the site and do maintenance on the site and 84 units is actually apartments for the senior citizens.

MS. CARMICHAEL: Because it said super, so I got the impression that that meant big, extra, large, right? Because if it's a senior apartment then super would mean you have extended families and overcrowding.

MR. MANDELBAUM: It's a superintendent just like we have in the other complex who is going to live on the site, we don't have anybody in mind, we didn't hire anybody specific, yes, he does have a little bigger apartment than the rest.

MR. ARGENIO: I think, Mark, she may be referring to the verbiage that the code describes.

MR. EDSALL: I think it's just a matter of the superintendent apartment applies to one of the units specifically intended for the person who provides the services to the tenants, that's it.

MS. CARMICHAEL: It gives the impression of a size and not a person.

MR. ARGENIO: Ma'am, I can clear that up for you. There is a typo in it, I'm going to read the notes, totally affordable senior housing complex 84 units with

super apartments, it's a typo, there should be no "s" after "t," it should say with super apartment. What that means is an apartment for the superintendent who manages the facility. In no way, shape or form should that be interpreted as jumbo, giant, large or any other analogy that can be associated with that. I think that answers and I can see where you would be sometimes when they type, they type too fast.

MS. CARMICHAEL: I have one or two more questions. I have a hard time, you said that the entrance would be on Old Forge Hill Road, you have an entrance to Butterhill and Old Forge Hill Road, where is this entrance?

MR. EWALD: I'm not familiar with where Butterhill is.

MR. ARGENIO: This is on the corner.

MR. EWALD: This sits right on the intersection with 94 and Forge Hill.

MS. CARMICHAEL: What are you going to do to minimize the construction and all the traffic congestion? Cause I take, me personally I use Old Forge Hill Road a lot, are you going to block off the streets? What's your plan?

MR. MANDELBAUM: No.

MR. ARGENIO: What's the extent of the construction in the road on Old Forge Hill Road?

MR. EWALD: Just the sewer line.

MR. ARGENIO: The tie-in?

MR. EWALD: Tie-in.

MR. ARGENIO: They have to connect to the existing town

services in the road, that's the extent of the construction.

MS. CARMICHAEL: So he's not going to block traffic?

MR. MANDELBAUM: That would be the county road would be corner with the--

MR. ARGENIO: There might be a flagman for a couple of days to do the connection but that's the extent of it.

MS. CARMICHAEL: Thank you very much.

MR. ARGENIO: Thank you, ma'am. Somebody else?

MS. BITTLES: Sylvia Bittles, 12 Regimental Place in New Windsor. Firstly when you light up a project like this, when that commercial area on the other side of 32 was built, we did not anticipate the lighting impact at night, it's like a stadium right over our houses.

MR. ARGENIO: Can I cut you off for just a second? Mark, that's a second or third comment we got about lights, we should probably look closely at the lighting on this project.

MR. EDSALL: I'll look at it again.

MR. ARGENIO: Let's look at that to make sure we're not going to be disturbing a lot of people.

MS. BITTLES: That would be one. Then for the seniors that are able to, most would not be driving, I would think or prefer to walk to the shopping centers, how is that going to impact the foot traffic coming from this site all the way to the commercial stores?

MR. ARGENIO: I don't know what you mean. They'll walk on the sidewalks. I don't quite understand.

MS. BITTLES: Currently on Forge Hill Road--

MR. ARGENIO: Madam--

MS. BITTLES: --there are currently no sidewalks, are they planning on putting in sidewalks?

MR. ARGENIO: Yeah, there's a sidewalk there.

MR. VAN LEEUWEN: It's right on the plans.

MR. EWALD: Runs from the project entrance to the intersection.

MR. ARGENIO: That's the idea of having the senior complex located within proximity to the things you just described, so if there's an active senior, they can have the ability to walk there.

MS. BITTLES: No, it's absolutely in my neighborhood I like seniors, but with that also comes more ambulance calls typically and I've noticed quite a bit more sirens in the middle of the night and a lot more activity from the ambulance and firehouse, they're responding to the seniors.

MR. ARGENIO: Disturbs you?

MS. BITTLES: It's certainly an increased noise level. Is there any like study or impact as to what they're going to do to our ambulance services and all that?

MR. ARGENIO: No, there's not but I can tell that you it's a balance and at the end of the day, the idea is that the senior areas are within proximity to the services they need and to put them, to throw them out in the west end of the town where nobody is.

MS. BITTLES: Well, you're putting it right next to an additional senior complex.

MR. ARGENIO: Out to the west end where there's not those services where they'll be located and they won't bother anybody in their old age, it's a difficult balance.

MS. BITTLES: I'm saying the number of units they'll be responding to is going to increase dramatically so what we just increased that senior complex is new and that has increased and that's tolerable and that's fine but now you're again increasing it which is going to only--

MR. ARGENIO: This application will increase it, that's correct.

MS. BITTLES: As far as the three story building, is there any means if the neighborhood and the residents don't prefer to look at a big three story building how would we appeal to the planning board to have it reduced to a two story building?

MR. ARGENIO: Well, that's an interesting question. The applicant is proposing something that he feels there's a need for and that our code allows for. It's a lawful use of the property, okay. So the code calls for or the code allows for him to build a building of a certain amount of stories, three is included in that number and that's what he's proposing along with the quantity of units that again the code allows for. Now, sometimes people get confused and they say and they think that well, the planning board can tell you no and the planning board is going to say no and the planning board can say yes and the planning board can say no. Well, there's some truth and some fiction to that at the end of the day, most of the people like Mr. Steidle and Mr. Bedetti who come to meetings and Leo, they understand that there's a set of laws in the Town of New Windsor and that some of the laws includes a zoning code and in that zoning code it says in this zone you can do that and here's the way you need to do it. And

in that zone, you can do the other thing and here's the rules you have to follow. So at end of the day when the applicant's following the law, i.e., if the law allows for a three story building and he's following the law, there's things we can do, we can tell them how and different screening recommendations we can make which we've made, different aesthetic recommendations which we've made, we really can't make and we don't have the authority to make architectural recommendations but we have and the applicant has accepted them and agreed to earth tones and different things, things we can do and there's things we can't do. Our power, this board is not all knowing and all telling, so to answer your original question about the three story building, it's allowed, it's permitted in the zone.

MS. BITTLES: So this, the planning is to alter the plan but we have no ability to not have this building in our community and we have no ability to protect our view from what we have currently that we'll be looking at this big building?

MR. ARGENIO: You know what, you're reducing it to a debate.

MS. BITTLES: Do we or don't we have an ability to change that plan? You're saying no, so this is sort of all a moot point.

MR. ARGENIO: Thank you for putting those words in my mouth.

MS. BITTLES: Are you not saying that?

MR. ARGENIO: I didn't say anything, you told me what I'm saying. If you have a question about the plan, I wish you would ask it, otherwise, I'd like to go on.

MS. BITTLES: My question is do we have an ability to

not have this project built on that site?

MR. ARGENIO: You don't have a specific question about the plan?

MS. BITTLES: Do we have the ability if we all were opposed to this project being built on this site, do the residents of the neighboring town, the community have the ability to get this not built to object to this being built?

MR. VAN LEEUWEN: To stop it?

MS. BITTLES: Right, do we have that and how would we do that?

MR. VAN LEEUWEN: We don't have it either.

MR. ARGENIO: That's correct, unless counsel corrects me, that's the case that they have the legal right to develop the property.

MR. CORDISCO: The board has discretion under the State Environmental Quality Review Act to evaluate environmental impacts and the required mitigation measures in connection with those but you can't totally deny a project.

MR. ARGENIO: We don't have a monopoly here in New Windsor, that's state law.

MS. BITTLES: I don't know, that's why I'm asking. So when you say we have the ability to mitigate the plan exactly what does that mean?

MR. CORDISCO: Well, for instance, there are visual impacts that have been identified in connection with this by Palisades Interstate Park and by the State Historic Preservation Office, now the applicant is proposing to increase their amount of plantings and

move the building further away, whether that's appropriate mitigation or whether it's enough mitigation it will be for the board to decide but that's what they're proposing to do to lessen the additional impact and that's--

MR. ARGENIO: That's at this board's request.

MR. CORDISCO: That's correct. And that's one example.

MR. EDSALL: Another example your issue of lighting, if the board determines that the height of the light units are too high and may have an impact on adjoining properties, they can say put in lower units, maybe they would need a couple more. But to decrease the impact from the adjoining properties we might not be able to say no, you can't do it, we can say we agree with the neighbors that there's a lighting impact, change your lighting design.

MR. ARGENIO: And that's the purpose of this public hearing to gather information just like we're trying to do, that's why I'm trying very hard to keep the focus on the application and not on other things.

MS. BITTLES: Okay. And I have one more question. Who would decide how this financially impacts the town and who evaluates that? That comes from your office?

MR. ARGENIO: From where this board sits the financial implication to the town is irrelevant from where this board sits.

MS. BITTLES: You're just involved with the zoning portion?

MR. ARGENIO: We're involved with the site plan approval.

MR. MANDELBAUM: I can answer the financial.

MR. ARGENIO: It's not relevant to this board, the planning board is the planning board and we have certain scopes and purviews and that's not in it.

MS. BITTLES: Can I ask who's interested and who does evaluate the financial impact of this building?

MR. ARGENIO: You can ask it but I don't know the answer. I'm not trying to be illusive, call the supervisor or somebody, I don't know the answer.

MR. MANDELBAUM: Let me interject as far as financing at this stage right now the town gets zero taxes, absolutely zero, okay. When we're done, they'll get between 20 and \$30,000 and no services except for water and sewer which are paid above that, everything inside is maintained by us, the garbage is maintained by us, the plowing is all private, everything else is private, the town will get between 20 and \$30,000 at their discretion to use as they see fit without, the only services we'll get will be sewer and water which we'll pay above and beyond that.

MS. BITTLES: And police.

MR. MANDELBAUM: Correct. At this time, the town gets nothing.

MS. BITTLES: But there might be other uses that might create a different financial impact.

MR. MANDELBAUM: Whoever owns it it's a 501 (c), they pay zero to the town. So as far as finances, it will be a plus.

MS. BITTLES: Okay, thank you.

MR. ARGENIO: Thank you, ma'am. Yes, man with the glasses?

MRS. ANTONELLI: My name is Jean Antonelli, 28 Hillside Avenue, New Windsor, New York. And just to, a couple of comments, I disagree with the 55 year old and older who will be staying in their apartments and not going out. Today with the way the financial situation is people are working well beyond their 65, that's just a comment. So I don't go with the traffic. Down on Forge Hill Road, the way the road is it is dangerous. As a member of the ambulance corps a few years ago someone pulled out of Butterhill and our ambulance had to swerve to avoid hitting this person and went and hit another person and almost went over the bridge. So my concern is people especially the number of people who I disagree with the number of people using the in and out of the new, The Grove. There could be more accidents there. Also, the ambulance corps is never really asked whenever a project is planned, that's big, what the impact would be. I mean, we're here to serve the people and we've had an increase since the new senior building has been built. Also, I'm just a little confused about this project, is that project where they get help from the state or that they fall under some sort of state?

MR. ARGENIO: Mr. Mandelbaum?

MR. MANDELBAUM: This project is financed by the Federal Tax Credit Program and Housing Trust Fund, it's specifically for people with a particular income, a fixed income, they pay us rent just like you pay rent to anybody else except their rents would be substantially lower because the tax credit offsets the cost of the construction. So it's like any other apartment complex except they pay us less money.

MRS. ANTONELLI: Do you pay property taxes as the owner or are you given some sort of benefit for a number of years instead of paying property tax?

MR. MANDELBAUM: We're going to talk tax to the town about that, that's why I said somebody asked me that question, between 20 and \$30,000, I don't know that final number yet, it's up to the town to decide.

MRS. ANTONELLI: This is just a rumor, okay, that you would have a benefit of 40 years.

MR. ARGENIO: Mrs. Antonelli, I'm sorry, and I'm sorry to the audience, I have to interrupt you. Guys, we cannot get, we're here to review the site plan, I mean, the financial discussion is a discussion that needs to be taken up with the Town Board or Supervisor Green or somebody other than this group. We're trying to look at this site plan and identify issues of concern for the people of the town. The things that Bill Steidle brought up, the things that this gentleman brought up, please, I beg of you, please, let's, if you have a question on the application.

MRS. ANTONELLI: All you have to tell me in one simple word that is see George Green, you don't need to roll on with it. And one other question which pertains to the building, do you have elevators? You have three stories, now seniors, they get to a point of where they may not be able to walk up three flights, do you have an elevator or would you move them to another apartment as it became available if they still wanted to live there but could not make those steps?

MR. MANDELBAUM: Yeah, all our buildings have elevators, they have a contract to maintain the elevator by a very large company who does all our maintenance. We have a maintenance contract. If a senior decides that they, obviously, somebody's in a wheelchair, we give them preference on a first floor or somebody with a walker we give them preference on a first floor, when people come into the building, they'll go to the management for each apartment, first come first serve, they decide which one they want. We

don't dictate to somebody you have to live on the third or first floor. Now if somebody like you said doesn't feel good and they want to move downstairs, they don't feel like the elevators, as time goes by, we put them first on the list, if somebody's moves out of the first floor and they want to move from the third floor absolutely.

MRS. ANTONELLI: My last question are New Windsor residents given first preference if they want to rent an apartment?

MR. MANDELBAUM: I can tell you what the Federal Law says because the Federal Tax Credit is open to all but let me say, but at this time, we have 148 people on a waiting list and I'll tell you that most of them if not all of them, I can't tell you specifically because I don't keep the list, the management company does because that question came about last week how many people you have, most of them are from, live in the town or kids live in the town, we prefer it, we cannot say somebody from New Windsor gets preference because federal program, it's open to all.

MRS. ANTONELLI: Thank you.

MR. ARGENIO: Thank you. Next, the gentleman in the red shirt?

MR. BITTLES: James Bittles, 12 Regimental Place. You pointed out to my wife you have sidewalks that go up to the corner and they're where? Cause I know the church across the street has no sidewalks, how are they supposed to get from that corner to--

MR. EWALD: There's a crosswalk and another crosswalk and sidewalks pickup.

MR. BITTLES: So at the corner of the church, they're going to have a little sidewalk?

MR. EWALD: Sidewalks are on the other side where the gas station is and that heads up towards--

MR. BITTLES: From that corner, they have to go directly across?

MR. EWALD: There will be a small section of five feet sidewalk.

MR. BITTLES: Are they going to have to push a button for the lights?

MR. EWALD: The whole plan has been submitted to the New York State DOT.

MR. BITTLES: Because that's already a big traffic area, people walking up, pressing the lights. The other concern is on that road, like you said, coming out on Old Forge Hill that Mrs. Antonelli said accidents I see during the winter, the county--

MR. ARGENIO: Sir, sir, you're the fourth person that's mentioned it, duly noted. Yes?

MR. BITTLES: They barely maintain that road and people pulling out, I work all different times, I see people constantly sliding all over the place in the winter so that's going to be a big concern, people pull out of there and you don't have a turning lane or anything. And that's pretty much it.

MR. ARGENIO: Ma'am?

MS. BOYLE: Angela Boyle, 327 Old Forge Hill Road. My question is just about the sewer, the water and sewer?

MR. ARGENIO: What's your question?

MS. BOYLE: The question is the town has difficulties

with the sewer line along Forge Hill Road as it is, are they going to be connected into that same line?

MR. ARGENIO: Mark, can you speak to this or would you have Travis speak to it?

MR. EDSALL: Well, obviously, Travis can answer. I mean, we'll check into whether or not the area they're connecting into is a problem area. I know there's areas of the sewer system in that vicinity that there's been operational problems, we can check to make sure if their connection is in that area.

MR. ARGENIO: We should do that.

MS. BOYLE: That will be considered before they agree to do this?

MR. ARGENIO: Yes.

MR. EDSALL: Yes.

MS. BOYLE: Thank you very much.

MR. ARGENIO: Thank you. Anybody else? Your name please?

MS. MORIORITY: Ann Moriority, 8 Provost Drive. You're going to be right behind me. My biggest concern because I'd love to live in senior housing myself when I'm old enough, that's beautiful, I love it and I really do trust your abilities. I think it would be perfect but not in that location. I don't think it's safe for the seniors and I don't think it's safe for the community, I think there are other areas I'm sure in New Windsor where it would be safer. They have Dial-A-Bus. That's all.

MR. ARGENIO: Got it. Thank you. Anybody else?

MS. MORIORITY: And I live right behind, it's going to lower my real estate values.

MR. DITTBRENNER: Carl James Dittbrenner, Let me qualify I do work for the applicant, I also have to say that I have resided in the Town of New Windsor for 45 years, residing for 22 of those years at 7 Provost Drive. I'd like to make a comment related to two questions that were presented, one by this gentleman and I will discuss my own teenage years of being a--

MR. ARGENIO: Now Carl, let me stop you for a second, what's good for the left is good for the right. I stopped a few folks a few times because they started to get off on a bit of a tangent, I want to focus on the plan, certainly take a bit of latitude but a bit of latitude, but let's not--

MR. DITTBRENNER: So heard, Mr. Chairman. My point Forge Hill Road, I don't believe anybody is going, looking at Forge Hill Road 300 feet from an intersection as a drag strip. You made a statement that there's a lot of traffic and people are looking at that as a drag strip, 300 feet from an intersection is not a drag strip.

MR. ARGENIO: Folks, this is not a debate, he has the right to speak. Nobody else interrupted anybody else.

MR. DITTBRENNER: Second, Mr. Steidle, I'd like to address your point. The fact is that 600 feet would not fit in Jets stadium, the new Meadowlands, you're not looking at 600 feet of a building across this property, you're looking at an L building and you need to recognize that the footprint of this building sitting on that property is not going to sit as it would in Jets stadium set across 600 feet. So don't misrepresent the footage and how something is going to sit in the Meadowlands stadium. Thirdly, I will address the fact that I will address the statement that

was made as it relates to Palisades Park Commission who has control over Knox Village and what their issues were and weren't, okay, their issues related to lighting and architectural rendering as it relates to historic preservation of the area. Mr. Mandelbaum is more than forthright in presenting alternatives and their evaluation of those alternatives and their comments subsequent to that. Period.

MR. ARGENIO: Thank you. We're not going to have a debate, we're not going to have a debate, we're not going to have a debate. Here's what we're going to do, put your hand down, Bill.

MR. STEIDLE: I'm not going to debate.

MR. ARGENIO: You can do whatever you want, we're not going to have a debate. You had a chance to speak, here's the deal. The deal is this, Mr. Williams brings up a very good point in that there was an error in the notices being sent out in that we're supposed to allow X amount of days before the public hearing, 10 days, we only allowed nine, that's not a lawful notice for a public hearing. As such, the public hearing should stay open. In addition to that, Mr. Steidle brought up another point in that the visual data or some portion thereof I had asked or I asked through the attorney and the engineers that they prepare this visual data cause I think it's important, I think it's important. We, this board thinks it's important that they present this visual data because as Mrs. Shapiro said, it's a historic town and I want my kids to go to Knox Headquarters and the Cantonment, enjoy it in a pristine fashion. So that data also was not available for the public to view prior to this public hearing tonight. So here's what I'm going to propose to the members. I think we should, I think we have to do this but more importantly, I think we should because it's the right thing to do. I want to table the public hearing until the next meeting cause I think that's fair, that's the

right thing to do. But what we're not going to do is we're not going to and again because it's unfair we're not going to have the next meeting come up and we reopen the public hearing, we come to the time in the meeting when we discuss, give the public comment to discuss, I don't want to revisit the same issues. The people have been heard, notes have been taken, Mark has been advised, the board has listened, there's no need to hit things again and again and again. We're fairly bright people and I like to think we're fairly responsive so I'm not going to have a vote. I'm not going to make it crazy. Do you two to my right agree with tabling the public hearing and holding it open till next meeting for the reasons I stated?

MR. SCHEIBLE: Yes, I do as long as we keep it within--

MR. ARGENIO: Yes, it's got to be kept reasonable and Danny, do you agree with that?

MR. GALLAGHER: Absolutely.

MR. ARGENIO: Henry, do you agree with that?

MR. VAN LEEUWEN: I shouldn't but I will.

MR. ARGENIO: That's what we're going to because that's fair and Bill, that's why I cut you off because next time we convene, if you have some thoughts you want to share, certainly I would encourage you to share them. I don't need to encourage you because you always share them anyway, which is okay, sometimes we agree, sometimes we disagree. But I certainly welcome your commentary.

MR. EDSALL: We need to make sure that full copies of all the sight line drawings, we've gotten some handed to us tonight but not copies of everything, there should be adequate copies of all the visual impact information, the visual EAF which I haven't seen yet,

we should have full packages tomorrow or the next day at the latest.

MR. ARGENIO: Travis, can you get that done before the weekend? You guys need to do it, you need to do it, that's it, you need to do it.

MR. ESPOSITO: Mr. Chairman, what's presented tonight we can have in Town Hall tomorrow.

MR. ARGENIO: You need you to do that, take till Friday.

MR. ESPOSITO: Friday.

MR. ARGENIO: Get it right.

MR. MANDELBAUM: Don't give him extra days, he said tomorrow.

MR. ARGENIO: Let's get it right because there's a lot of people here speaking and I know Mrs. Shapiro and a lot of other people are going to want to see it and that's good, I don't take exception to it, it's a good thing.

MR. EDSALL: If I can finish, if the applicant doesn't object and it would not be something that could be handed out, given away, but something that can be left in the planning board office, the full size boards so people if they want to come in and look will have the full size boards available.

MR. ARGENIO: I think that's a good idea, everybody, thank you for your comments and thank you for your patience and thank you for your consideration. I appreciate it. And let's stay on point because we gotta stay on point.

WALTERS

MR. ARGENIO: Two trailer parks that were late, we're going to hit them now. Walters, is Walters here?

Mr. Alan Dantas appeared before the board for this review.

MR. ARGENIO: What do you say?

MS. GALLAGHER: Excellent shape.

MR. ARGENIO: Sir, your name for Franny, please?

MR. DANTAS: Alan Dantas.

MR. ARGENIO: Please, folks, keep it down, we want to continue, the hour's late. Jennifer says everything is good here. Do you have a check for the town in the amount of \$515?

MR. DANTAS: Yes, I do.

MR. ARGENIO: I'll accept a motion we extend the permit.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.
(Whereupon, Mr. Van Leeuwen stepped out of the room.)

ROLL CALL

MR. GALLAGHER AYE

MR. BROWN AYE

MR. SCHEIBLE AYE

MR. ARGENIO AYE

MR. ARGENIO: Henry stepped out, that's it, we have a quorum still without Henry.

WINDSOR_ENTERPRISES

MR. ARGENIO: Windsor Enterprises.

John Lease, III appeared before the board for this review. Jen, this is not going to be a dance, is it? Is it, John?

MR. LEASE: No, sir.

MR. ARGENIO: Jennifer, John Lease, III is here, Franny, for Windsor Enterprises, says everything is okay in this trailer park. Do you have a check here, Mr. Lease, in the amount of \$250?

MR. LEASE: Yes.

MR. ARGENIO: I'll accept a motion we offer them a one year extension.

MR. BROWN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

ORP_VAILS_GATE_CO-LOCATION_(VERIZON)_(10-17)

MR. ARGENIO: This is ORP Vails Gate co-location, Verizon Windsor Highway. Somebody here to represent this? This is a public hearing. This is a pretty basic application. Give us the update on where you are, where you have been, what changes you have made and then we're going to open it to the public for comment.

MR. ROHDE: Mr. Chairman, members of the board, my name is Cliff Rohde with the law firm of Cooper, Erving & Savage out of Albany. We're regional counsel to Orange County Poughkeepsie Limited Partnership doing business as Verizon Wireless. I'm here tonight with Mike Orchard (phonetic) of Tectonic Engineering who was the site acquisition specialist and I'm also here with Rick Andres, radio frequency engineer for Verizon Wireless. This application is about a rooftop co-location, we're here for, the application is a rooftop co-location which is the placement of power equipment on somebody else's facilities, in this case, the facilities are a Guardian Self Storage at 149 Windsor Highway. We're proposing to put 12 panel antennas on the rooftop concealed by a radio frequency invisible concealment wall basically that would go all the way around that would be matched to look like the existing building.

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. ROHDE: We have four objectives here tonight. We'd like to briefly explain the project to the public so they know about it and answer any questions that the board may have. We're hopeful to get a SEQRA negative dec tonight, hopefully close the public hearing and maybe even get a vote if we could hopefully improve the project.

MR. ARGENIO: I'm going to take a moment because in the hullabaloo of everybody leaving I didn't read the

description of this. I'm going to read it now. The application proposes co-location of the cellular facilities on the existing self storage building with an equipment shelter on the site. The plan was previously reviewed at the 30 June, 2010 planning board meeting. Applicant's here for a public hearing. I'm sorry, folks, I didn't read that earlier. Go ahead, sir, continue please.

MR. ROHDE: In terms of a describing the project itself I just wanted to briefly touch on why we're here and how we got here. We were here at the June 30 meeting and since that time, well, prior to the June 30 meeting, we had provided comprehensive, written materials justifying the need for the facility and demonstrating the safety of the facility and compliance with all federal regulations. Since the time of the June 30 meeting, we have submitted a supplement to the planning board on August 8 providing information that was requested by the board at the meeting, we provided antenna, what are called cut sheets which show what the antennas would look like if you were on the inside of the concealment wall, visuals demonstrating what the location looks like today and what it would look like tomorrow with the application having been implemented. We have provided an engineer's opinion letter stating why the project needs to be sited where it is on the rooftop. As the board may recall, we're proposing to install it on top of the elevator shaft of the building which is towards the front of the building.

MR. ARGENIO: And you're screening it.

MR. ROHDE: It's entirely screened and that's, it has to go there because of the weight of the project the engineer indicated that it cannot go, does not believe that it can go anywhere else on the rooftop that the roof could not support it, and provide additional comments to Mr. Edsall's remarks provided to us at the June 30 meeting. On September 1st, we provided another

supplement with I think with the final corrected environmental assessment form and also the list of adjoiners and also on September 1st with the gracious assistance of Miss Julian we finally got notices out to mail that out.

MR. ARGENIO: Don't suck up, it's not going to work.

MR. ROHDE: I know, Mike was doing that when he was down here. We got notices mailed out to 500 foot adjoiners so everybody would know about the project and we understand that since that time early September the county planning board has indicated that this is a matter for local determination. So that's where we are and how we got here, or where we have been, I should say.

MR. ARGENIO: County says the proposed site plan and special use permit appears consistent with the county comprehensive plan and local law. Go ahead, what else do you have?

MR. ROHDE: Sure. Well, in terms of why we're here there are basically three steps involved in getting us to choosing a project and getting in front of a board like the planning board of the Town of New Windsor. First and Rick can certainly talk about this on probably many things if not everything more intelligently than I, this is a demonstration of network need for radio frequency, there is a determination, there's, in this case, it was a question of sufficient coverage and then also Verizon Wireless wants to roll out the latest in wireless technology which is sometimes called 4G or Verizon Wireless LTE, it's the advanced services provided by high speed wireless connections. If you see the Verizon Wireless commercial it's all about the network, it's not like Verizon wireless is imposing its network, the customers are banging down the doors trying to get all the different services that are out there. So the need had

been identified. Step 2 is identifying a general area called a search area or a search ring where we need to locate a facility to be able to solve the problem that has been identified within the network and so this general area is more or less a circle or an oval shaped, it's somewhat determined by the local topo, by local usage passersby where people are by, where people travel and at that point once the general area is determined, the site acquisition team is sent out to go try and find a particular site. And in this case, we found a site within the search area that's an existing facility, an existing tall building. And what we're doing and what we're proposing is really exactly what the town tells us that we have to do. The Town of New Windsor says if you want to install wireless communications facilities in this town, you have to first try basically everything to put it up on something that exists already whether it's an existing tower or whether it's some other kind of tall structure, such as the Guardian Self Storage. And so we found that building and proceeded, we entered into a lease with Guardian Self Storage to be able to put a project up there. And so those are the three issues or the three points to get us where we are, network need, general search area where we go look for a site and number three, identify the site which we did. So the question that often vexes a lot of people is what is the siting. So to look like, I'm afraid that I do not have here on a board to show the public, but we have provided materials to the planning board and the supplement from August 8, I think if any of you have it handy I don't, I have it, but tab 3 shows pictures of the building as it exists today and then also we provided photo simulations of what the concealed screen would like like on the rooftop.

MR. ARGENIO: The antenna's in fact behind the screen?

MR. ROHDE: The antennas are completely behind the screen. There are 12 panel antennas, they're facing in

a northerly direction, southerly direction and in a easterly if I'm remembering correctly, but the screen would go all around those antennas. So you would never see the antennas from there. I did bring, where is my brick, this is actually a pretty light brick but I just brought an example so people can see what it looks like, I don't want you to focus on the outside because this would not be what it would be intended to look like but rather what the material looks like from the side, this is the kind of screen that goes up around the whole thing. And what happens is we send people out to the building, the people who manufacture these screens who investigate the building itself, they take pictures, they take samples of the color so they'll go back actually fabricate a screen to resemble the existing facade of the building. Every screen's unique, that way they're not, they don't just come off the factory lot. Every one's tailored.

MR. EDSALL: If I can interject one question. My understanding, Mr. Rohde, of the photo simulations under tab 3 is that the screening finish, the color is going to match the existing building trim color?

MR. ROHDE: That's, yes, I mean, again, we can go with the color that the board wants.

MR. ARGENIO: You know what, there's a lot of people in this room still and while I don't want to minimize your presentation, it's a pretty simple basic presentation, it's antenna on a building that are going to have screening around it. I really would like to open it up to the public and get some commentary and certainly post public hearing you'll have the opportunity to comment again. And Henry or Howard or Danny or Hank, you'll have the opportunity to speak too but I'd like to hear from the folks who have taken time out of their busy night to come here this evening. That said, I'm going to say that on the first day of September, 2010, 96 envelopes were acquired by Nicole from the assessor

containing notice of public hearing, they were sent out advising everybody of this public hearing. At this point in time, the public hearing's open, anybody like to comment, please raise your hand, be recognized by the board. Yes?

MR. ZEIGLER: Jay Zeigler, 810 Blooming Grove Turnpike. I'm just curious, how tall is the tower that's going to be on top of the building?

MR. ROHDE: First off, it will not be a tower.

MR. ZEIGLER: It's all semantics really.

MR. ROHDE: No, it's not.

MR. ARGENIO: It really isn't. Go ahead.

MR. ROHDE: Yeah, no, what I was going to do is just get a picture so people can see it.

MR. ZEIGLER: It's not that I'm against cell phone towers, we all use cell phones and we all need the coverage.

MR. ROHDE: The screen itself is 13 feet tall, okay, it sits about a foot or so off the top of the roof.

MR. ZEIGLER: The elevator shaft.

MR. ROHDE: Yes, so it's, so it would be a total of 14 foot off the roof that's, there's a parapet off the roof is four feet above the roof line and there's another from the front there's a fascia which is another four feet tall. So if you're looking from the front it would be six feet above the fascia. If you're looking from the side, it would be 10 feet above the parapet. But again, that assumes you're kind of at the top looking straight so it would be reduced because you're lower than the building so that's--

MR. ZEIGLER: How far from the top of the elevator shaft up, how much are you talking about?

MR. ROHDE: Well, the screen itself is 13 feet tall.

MR. ZEIGLER: Not like a normal tower like what's on the ground?

MR. ROHDE: No, not at all. I want to show you this picture, this is a simulation of what it would look like from across the street.

MR. ZEIGLER: So the shaft is in the back?

MR. ROHDE: Well, it's towards the front of the building, it's right there.

MR. ZEIGLER: So another 14 feet above that?

MR. ROHDE: No, no, that's it.

MR. ZEIGLER: That's it.

MR. ARGENIO: You have a feel for it?

MR. ZEIGLER: I got no problem.

MR. ARGENIO: Something like 10 or 12 feet above the building and it's screened.

MR. ZEIGLER: It's fine with me, I just pictured a regular tower on top.

MR. ARGENIO: No, that's not, that's for another night. We'll be here for that. Anybody else? Sir on the aisle, please?

MR. VRIESEMA: My name is Sam Vriesema, Jr., 11 Marshall Drive, New Windsor. I'd like to ask you a

question, sir. Is this, you say you're going 3G to 4G so just adding something on what you're already doing?

MR. ROHDE: Rick, you want to talk about it?

MR. ANDRES: That in addition to supplementing what's already available Verizon has voice network, typical phone conversations.

MR. VRIESEM: On Snake Hill, right?

MR. ANDRES: The problem is that usage is growing incredibly fast, it has been doubling after year after year. Currently it's 1 1/2 times year after year.

MR. VRIESEMA: Can't you upgrade the equipment?

MR. ANDRES: There's only so much on the spectrum.

MR. VRIESEMA: Why not build another tower on Snake Hill?

MR. ANDRES: If you cover the same area--

MR. ARGENIO: Let me step in here. The demonstration of need is a point of law. Dominic, can you speak to that please about their obligation to demonstrate the need and what they have done please or Mark?

MR. EDSALL: Dom's already started.

MR. CORDISCO: They established that they have a license from the FCC and they have coverage that they need to fill and also the FCC is encouraging and allowing them to upgrade to 4G service and that's an FCC issue and the Federal Telecommunications Act preempts state and local regulations over radio frequency issues as far as whether or not you need to provide or whether or not the service is warranted or not and in terms of establishing need, it's not

necessarily the need, it's actually not the need of the users, it's the need of the provider to provide coverage.

MR. ARGENIO: And they have established that that need is out there.

MR. CORDISCO: They have.

MR. ARGENIO: So I don't want to have a debate about that.

MR. VRIESEMA: I'm trying to establish based on what computer modeling real time measurements are.

MR. ANDRES: All of that, yes.

MR. VRIESEMA: Well, I've got the application, I see nothing about real time measurements whatsoever and as for computer modeling, the other applications I got they all had nice little maps showing where the coverage is, you guys have nothing.

MR. ARGENIO: You know what, let me back up, again, it's not going to be a debate, please don't interrupt me, I have counsel here, we have counsel here, the town has counsel here and we have a professional engineer so those professionals will evaluate whether the applicant has submitted, Dominic hear me on this, please, has submitted the appropriate information to demonstrate the need. I am not an expert, I'll tell you I'm not an expert and I'm quite sure you might be an expert but I'm quite sure most of the other people in this room are not an expert in this field and this is not going to be reduced to a debate in this venue. This is a point of law and it's a point of engineering and those two people who we pay, who the applicant pays via their escrow, they evaluate that and if in their professional opinion licensed professional opinion the need's been demonstrated or somebody else who's a licensed

professional certifies to these two gentlemen that the need has been generated the need's been generated, we're not going to debate.

MR. VRIESEMA: But I looked at this application, I didn't see the need.

MR. ARGENIO: Do you have another question?

MR. VRIESEMA: The engineer says we need it but he has no proof other than his say-so.

MR. ROHDE: If I can make the record clear we absolutely provided that information, there's a tab 7.

MR. ARGENIO: As I just said, I'm not going to let it get reduced to a debate. This is not going to be a debate, not going to get into he said-she said, with all due respect to the audience.

MS. SHAPIRO: This is a public hearing, Jerry, this is a public hearing, we're allowed to speak.

MR. ARGENIO: You're allowed to speak, we're not going to have a debate here.

MS. SHAPIRO: He's trying to speak, you're stopping him.

MR. ARGENIO: No, he's not trying. Okay, do you have another question, sir?

MR. VRIESEMA: Back to the equipment is it going to cost more money, it was mentioned in the application that it would cost more?

MR. ANDRES: It would be like if you look into a dark room and you shine a flashlight to read something and you shine a second flashlight to read something, you're not going to gain anything, we're updating everything

we have because there's an additional need.

MR. VRIESEMA: Still doesn't sound logical if you're going from 3G to 4G why can't you add it?

MR. ANDRES: We are.

MR. VRIESEMA: Why come down to Guardian?

MR. ANDRES: Each channel that Verizon owns have specific frequency ranges, some frequencies cover more, some cover less, you have to have a continuous footprint across all frequencies.

MR. VRIESEMA: Only .4 minutes from there, it's kind of a, everybody I know has great reception from Verizon in the town so they're all wondering why do they need another spot?

MR. ANDRES: A year from that you might find something totally different.

MR. VRIESEMA: I know a lot of people at Verizon--

MR. ARGENIO: Again, it's continuing to get into a debate, certainly I want to give everybody an opportunity to speak.

MR. VRIESEMA: My question is has anybody checked real time measurements instead of computer generated nothing?

MR. ANDRES: Yes.

MR. VRIESEMA: Where are the specs on that?

MR. ANDRES: That's proprietary.

MR. VRIESEMA: Yeah, okay, whatever, junk science again. Alright, let's see here. My other question is

this, why can't you go on that tower? It wasn't mentioned in the application.

MR. ANDRES: I'm not familiar with that, which tower?

MR. VRIESEMA: MetroPC said they were going to put another tower between Duffer's and Guardian, hide it as a flag pole, it was mentioned in the application that it would cost you more money to put it there than on Guardian, I'm just wondering.

MR. ROHDE: Does that exist?

MR. ORCHARD: I know the another carrier had, T-Mobile was the applicant, I'm not sure where that application is, we got this, this building first, we're doing what the code requires, they came in proposing a new tower structure on the same property, we're able to utilize the existing structure at the existing height.

MR. ARGENIO: That's the--

MR. VRIESEMA: Why can't you all get on the same tower?

MR. ANDRES: The tower doesn't exist.

MR. ORCHARD: We were here before T-Mobile.

MR. VRIESEMA: And I'd like to have copies of the maps and the, how do I get ahold of you?

MR. ARGENIO: What you're going to do is you're going to supply them to Nicole and you can Freedom of Information them from Nicole, she'd be happy to get them to you.

MS. JULIAN: I have that, he looked, Sam, you looked through that.

MR. VRIESEMA: It wasn't in there.

MS. JULIAN: I didn't take this apart.

MR. VRIESEMA: I'm just saying that stuff's not in there.

MR. ARGENIO: Continue.

MR. VRIESEMA: That's about it, except a statement. My statement basically is that kind of redundant to have it in so many places. You've got one on Dean Hill, Snake Hill, town hall, before you know it, they're going to be all over the place. I think it's ridiculous that they're too close to people. Okay.

MR. ARGENIO: Thank you. Anybody else have a comments?

MS. SHAPIRO: It's pointless I know but I'll keep trying, okay.

MR. ARGENIO: On a different subject.

MS. SHAPIRO: You have your professionals here, we had the same professional advice for the soil burner 15 years ago, it's still going strong. Okay, what Sam's telling you is correct, this is historic New Windsor, we really don't need cell towers every mile as is projected. There's a gentleman outside, very good looking gentleman, he's in the blue suit.

MR. ARGENIO: Handsome devil and he's an attorney too.

MS. SHAPIRO: When I went out there, we talked for a minute, is that correct, handsome gentleman?

MR. ARGENIO: Fran, please, let's get on point.

MS. SHAPIRO: I'm tired too but this is my time, right?

MR. ARGENIO: Take your time.

MS. SHAPIRO: Public hearing.

MR. ARGENIO: Right, take your time.

MS. SHAPIRO: Two attorneys and the big guys here, okay, this guy's got four bars and I said what are you doing with your Blackberry, how many bars do you have? Four bars. This is what we hear, four bars with Verizon. I happen to have Verizon myself, of course if you're going to put towers all over I've got to switch cause I don't think it's needed. People are on their cell phones continually, I wish they would stop, it's annoying. We don't need this in historic New Windsor, Jerry, we need new codes on where these guys can put the towers. Think about it, have them come back, have them find another place. We don't need this. You're projecting something else on the same property and at the Windsor Hotel and at Town Hall, enough already, it's enough, don't make this decision, your gonna be sorry and you know it.

MR. ARGENIO: Mrs. Shapiro, I respect you because I respect my elders.

MS. SHAPIRO: Well, I earned it so thank you for respect.

MR. ARGENIO: Somebody else? Accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MS. SHAPIRO: Don't close it so fast like you like.

MR. ARGENIO: Fran, don't leave.

MS. SHAPIRO: I'm not.

MR. ARGENIO: Yes, ma'am?

MS. GERICK: Rose Gerick, 84 Guernsey Drive, New Windsor.

MR. ARGENIO: Please on the application, ma'am.

MS. GERICK: Everything about what's going on what you need for the cell towers and all what about health cancer that's been proven with too many cell phones and everything like that. You do get cancer of the brain, tumors, in my area alone where I live my neighbor has breast cancer, neighbor next door her husband has colon cancer and I just I have skin cancer. So with this in the radiation I feel the future, the children and whatever is going on. My daughter was in Monroe five years ago, she came down with thyroid cancer and she was one of 20 women with thyroid cancer in Monroe from Nepera.

MR. ARGENIO: We need to focus on the application. I don't want to appear insensitive, I really don't.

MS. GERICK: The future with this radiation health, get them and get a professional doctor, cancer doctor to debate not just--

MR. VAN LEEUWEN: But they have cell phones too.

MR. ARGENIO: Mrs. Antonelli?

MRS. ANTONELLI: I just have a question.

MR. ARGENIO: On the application?

MRS. ANTONELLI: On the application. I'm asking the question when you propose this tower, do you have to notify people who live within so many feet of that installation?

MR. ARGENIO: Notification is in the form of a public

hearing which we're having this evening.

MS. ANTONELLI: Like sometimes if your neighbor down the street is doing renovation, not renovation but--

MR. ARGENIO: Unless Dominic knows.

MRS. ANTONELLI: I'm just curious whether it's required or not.

MS. SHAPIRO: Excuse me, Jerry, are you finished, dear? You guys did not notify the people around the development.

MR. ARGENIO: Mrs. Shapiro, with all due respect.

MRS. ANTONELLI: I just wondered with this type of installation if it's required that a letter be sent to the people who live within--

MR. ARGENIO: I'm not aware of anything unless counsel is.

MR. CORDISCO: We said the public hearing requirements.

MR. ARGENIO: Other than the public hearing.

MR. CORDISCO: No, that's the only requirements.

MRS. ANTONELLI: Alright, that's all I have.

MR. ARGENIO: Okay, anybody else? I'll take a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to make just a very, very brief statement about this cell tower stuff because it's important that it's out there and it's important that everybody knows what we're doing. You guys, I've been doing a bunch of research with Dominic and Mark about cell towers because it's becoming a hot issue. Guess what? There's more coming, there's more coming, towers and co-locations because they need 3G and 4G coverage and they need space between the frequencies, they're getting crowded and to boot they have the lawful right to put these up. I have in my hand which I will distribute to the members a government writing or a company that monitors new rules and such in part I'm going to read from this very briefly, the FCC has agreed that, the FCC who regulates this type of thing and I just wanted to thank everybody too for respecting everybody's opinion and giving everybody the time to speak and listen to what everybody has to say in the room, thank you everybody for that. I meant to say that before. The FCC agreed that local authorities must approve or deny applications for new radio towers within 150 days, this is the law, this is not me guessing and it's not Town Law, within 150 days or 90 days for additional kit on existing towers which is what we have tonight. The new rule widely known as a shot clock in reference to supporting time limits means that state and municipal authority will have to respond to applications within the specified limits with applicants having 30 days to take the authority to court, that's us, if a decision isn't reached. The new rules also prevent authorities, that's us, planning board, denying permission on the basis that the, that the area already has cellular coverage from a competing network. So Americans can expect to see a lot more

base stations over the next few years. The CTIA which represents the U.S. cellular industry could barely contain itself. CTIA looks forward, blah, blah, blah. Bottom line is this, it's recognized by the FCC, end of story, we have no authority over it, how high to put the fence or how low to put the fence that's the way it is and I'm not saying I like it, I'm saying that's the way it is. I've gone on way too long, let's continue with this application, close the public hearing, we have assumed lead agency. Does anybody else have anything they would possibly want to say about this members of the board?

MR. SCHEIBLE: I don't have anything to ask but the answers, I got the answers, it's 14 feet high and all that but my own personal thing is feeling is thank you for putting this type in rather than put some big, fat tower up behind the field.

MR. ARGENIO: I agree.

MR. SCHEIBLE: I will say thank you for going this route.

MR. ROHDE: Thank you, we try to do it when we can.

MR. ARGENIO: We've heard from county, they're saying it's consistent with the county comprehensive plan and local laws, agree that the nature and intensity and operations, landscaping will not be hazardous nor conflict with the normal traffic of the neighborhood nor will the property. Does anybody have anything else with this, Mark, am I missing anything? Dominic, am I missing anything else?

MR. EDSALL: No, Mr. Chairman, the issues that the board asked for at the previous meeting they have responded to the visual simulations that we had requested are included, they were submitted as part of their resubmital for this meeting. All the issues that

I had have been addressed.

MR. ARGENIO: Well, everybody comes to the planning board and makes and complains and expresses their dissatisfaction for these towers and co-locations of towers, our hands more so than any other issue are tied, we're handcuffed. Please write your legislators, write your congressmen, write your senators, they're the ones, we're tied, tied by law. Anybody have anything else on this members of the board? If anybody sees fit, I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded we declare a negative dec on the ORP Vails Gate Verizon special use permit. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody sees fit, I'll accept a motion we offer them final and special permit.

MR. SCHEIBLE: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE

MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. ARGENIO: That's subject to Mark's comments.

MR. ROHDE: Thank you.

MR. ARGENIO: Dominic, myself and Mark have been talking about this a lot, we have been talking about this cell thing a lot because we're getting more and more applications as we move forward because people want to usurp that band width. So for the 3G and 4G service it's out there, man, our hands are tied, nothing we can do except if the fence is taller, improve the road going to the tower, et cetera.

REGULAR_ITEMS:

WALGREENS_ (98-20)

MR. ARGENIO: Next on tonight's agenda is Walgreens.

Mr. Joseph Sarchino, RLA from John Meyer Consulting, PC appeared before the board for this proposal.

MR. SARCHINO: Good evening, members of the board, Joe Sarchino.

MR. ARGENIO: This application proposes construction of a 14,550 square foot retail building. The plan was previously reviewed the 9 December, 2008 and 28 July, 2010 planning board meetings. It's the old Primavera Hardware building site, if anybody knows where that is. It's in Five Corners. Go ahead, tell us what you have.

MR. SARCHINO: Okay, at the last planning board meeting, we received some comments from Mr. Edsall's firm and also some comments from the planning board which we had addressed in our last submission that we made on August 20, 2010. I'm not sure if you want to go through every change we made or if there was just some--

MR. ARGENIO: I don't want to go into the minutia. One of the things that stands out, Henry Scheible or Neil or somebody was very focused on the dumpster and we talked about the problem with the dumpster enclosure at Crossroads Plaza in the Town of Newburgh, can you please give us a heads-up on that and anything else that's of a high point?

MR. SARCHINO: Okay, the dumpster location again here's Route 32 and Route 300, the dumpster location is located on the northern end of the building here. There was concern about visual impacts from the dumpsters and I think we had proposed previously the

fence around it. The design that we had submitted for the building it was a request that we could make it brick, block or match the facade so the facade of the building is of brick, two tone, two different colors of brick so what the architect has designed here is the dumpsters on the sides of the building to take the same material as the building and make the dumpster enclosures the same.

MR. ARGENIO: What do you think, Henry?

MR. SCHEIBLE: I like that.

MR. BROWN: Yes.

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Excellent.

MR. SARCHINO: In addition to that--

MR. ARGENIO: Joe, are they driving up on the concrete?

MR. SARCHINO: Yes, so this is all concrete. In addition to that, I mentioned that we would put some additional evergreen plantings along this perimeter which we have done as well. So yes, this is all concrete.

MR. ARGENIO: Joe, what about the right turn only discussion we had, did you have a discussion with your client? Do you have bad or good news?

MR. SARCHINO: Well, I guess I discussed with my client more importantly I discussed it with Walgreens and they would really like to maintain the option of a left out at that location.

MR. ARGENIO: Which location, both driveways?

MR. SARCHINO: Yes. I spoke to the DOT who we're going to have to make an application for cause we're going to reconstruct these two curb cuts and reconstruct the sidewalk out front, the DOT asked us to complete a traffic study to take a look at the lefts, they gave us some criteria to make sure we meet, if they would allow the left turn out of here. We just conducted some counts last Saturday.

MR. VAN LEEUWEN: I'll bet you a hundred bucks they're not going to.

MR. SARCHINO: I'll take you up on that.

MR. ARGENIO: Go ahead.

MR. SARCHINI: What I respectfully request if the DOT does allow it we go with or deny it we go with whatever they say, it's their road and their curb cut, we'll agree. If they say no, we're not going to argue. If they say yes, we'd like to have it. Walgreens even though you could come down here and make a left, Walgreens would like the option of leaving this open, especially late at night or during off peak hours when there's not much traffic. If somebody does know and they frequent this drugstore, they're going to know peak hour I'm not going to make a left, I'm going to come down here or I'm going to go out here and they're going to know what to do. But during the off hours, somebody picks up a prescription, there's not much traffic, they'd hate to prohibit--

MR. ARGENIO: I'm not Monty Hall and this is not Let's Make a Deal. I don't think Henry or Howard or Monty Hall either last I checked but unless you guys or Danny you guys disagree here's what I want to do. I want to hold that discussion and Mark, I want you to look close at that, please, I don't know what more you can do but

can you have Hines look at that?

MR. EDSALL: Mr. Hines is not a traffic engineer anymore than I am.

MR. ARGENIO: He certainly is very versed in traffic movements.

MR. EDSALL: As I am. Mr. Sarchino's explanation is absolutely correct, during off hours it may not pose a dangerous situation.

MR. ARGENIO: Well, maybe it should be left turn, no left turn between 8 and 4?

MR. EDSALL: The point remains if it's the board's belief that a better planning design is to prohibit left turns from that curb cut then I suggest you direct me and my recommendation to the DOT to share that opinion, ultimately DOT is going to either restrict or not restrict the movement.

MR. ARGENIO: What do you guys think?

MR. SCHEIBLE: Exactly what Mark just said.

MR. BROWN: Yes.

MR. ARGENIO: Danny?

MR. GALLAGHER: I think it's dangerous taking a left out of there.

MR. ARGENIO: Thank you. What do you want to do, should we give it to DOT and give them our opinion?

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: Yes.

MR. EDSALL: I'll make it abundantly clear in the referral to DOT Traffic and Safety Division that the planning board believes that curb cut should be restricted.

MR. ARGENIO: During peak hours, let's be reasonable, Joe's right, I mean, 11 o'clock at night.

MR. EDSALL: Leave it to them to decide but we're going to share your opinion.

MR. ARGENIO: How do you differentiate peak hours are 8 a.m. or 7 a.m. to 5 or 6?

MR. SCHEIBLE: Guy pulls out at 8 o'clock he says it's not a peak hour.

MR. ARGENIO: Let's give it to DOT.

MR. EDSALL: I'm not quite sure if they in 2010 do movement restrictions based on a time clock so I'm just going to tell them the planning board believes that the DOT should consider movement restrictions at that curb cut, that's it.

MR. ARGENIO: And I think we should put that in there, Joe, and I'm going to tell you why because the DOT is the DOT because we residents we know that area better than them and no one can convince me otherwise. You follow me? Okay, Joe, what else you got there?

MR. SARCHINO: We added the flag pole that I guess there was some interest in that flag pole is located in there.

MR. ARGENIO: With a flag as Henry VanLeeuwen says?

MR. SARCHINO: With a flag, yes, sir.

MR. VAN LEEUWEN: Never mind just the pole. You know

one thing I don't understand--

MR. SCHEIBLE: We're going through the lights at Vails Gate now we're heading north on 32, I know there's a turning lane further down by the light but there's no turning lane in front of this?

MR. EDSALL: There's two lanes going west or south, two lanes going the other direction.

MR. SARCHINO: Passed Wendy's.

MR. ARGENIO: Joe, could you also please on your plan indicate for us what the movement is on the Wendy's driveway? I don't remember if it's right in, right out.

MR. SARCHINO: It's a left in right out.

MR. EDSALL: No, you can go in, you can go in a Wendy's driveway, it's entrance only.

MR. SARCHINO: It's only an out.

MR. ARGENIO: Please put it on the plan.

MR. EDSALL: Does your plan also show the four lane configuration through the entire, in front of your site?

MR. SARCHINO: Yes, it does.

MR. EDSALL: Just cause the one I sent over I want to make sure it's on there.

MR. SARCHINO: The rest of the items that we changed are things we have been coordinating with Walgreens are handicapped access and just coordinating with the final building design which was the elevations were submitted to the board. The other thing that, one thing that we

come across in Walgreens they're requesting to have actually they want to have more than one sign per building, zoning code only allows one so we'll have to go for a variance for signage.

MR. VAN LEEUWEN: Yes, you will, sorry.

MR. SARCHINO: This is what they'd like to do right now.

MR. ARGENIO: Does anybody have any comments on the aesthetics of the building? I think it looks pretty nice.

MR. VAN LEEUWEN: Typical building.

MR. SCHEIBLE: It's beautiful.

MR. SARCHINO: We decided to go with the brick package instead of the stucco, I think it will look good.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we circulate for lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded Town of New Windsor circulate for lead agency. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark and fellow board members, it seems

as though this is at a level of fitness, can we get it to Orange County, anything we need to do with DOT?

MR. EDSALL: I'd like to have the plan that adds what the chairman and the board asked for which was the extent up to the curb cut, make sure the lane configuration is clear which Joe says it is, have those plans available when I do my circulation for lead agency and my referrals to county and DOT.

MR. ARGENIO: Okay.

MR. EDSALL: So Joe if that's only one sheet.

MR. SARCHINO: It is.

MR. EDSALL: And the rest of the sets well I guess we'll need enough sets to make those circulations.

MR. SARCHINO: And I will coordinate with Nicole. Did we already send to county?

MS. JULIAN: No.

MR. EDSALL: Has not been yet.

MR. ARGENIO: What else you want from us tonight?

MR. SARCHINO: I think that's all I can ask for at this point in time so we're going to--

MR. ARGENIO: Henry, you got your sidewalk and your crosswalk. Danny or Howard?

MR. BROWN: Traffic, if they can figure that out.

MR. EDSALL: The only open item is and again just purely for projecting out timing of the application if the board is going to determine if they are or are not going to have a public hearing, it's my opinion that if

you do want one that the plans are in acceptable form that you can authorize it, if you don't want to have one--

MR. ARGENIO: This is one of the busiest intersections in the town, how can we not have a public hearing done?

MR. SCHEIBLE: Positively.

MR. BROWN: Yes.

MR. VAN LEEUWEN: I will go along with the rest of the board.

MR. ARGENIO: I'll accept a motion that we schedule that public hearing.

MR. CORDISCO: Authorize a public hearing.

MR. ARGENIO: Yeah, authorize it. I can't see not having it, this is one of the busiest intersections in the town.

MR. VAN LEEUWEN: Let me say one thing, this is cleaning up Vails Gate, got one more building to go, Domino's Pizza.

MR. ARGENIO: Public hearing's not a--

MR. SARCHINO: I was going to request to not have a public hearing but I guess not.

MR. ARGENIO: No, you're out of luck on that, Joe, it's the busiest intersection in the town, I want to hear what people have to say.

MR. VAN LEEUWEN: He wants to sit here again till 10 o'clock at night.

MR. ARGENIO: No, I do not want to do that. Joe, what

else you got?

MR. SARCHINO: I think that's about it. So we get referred to the county, revise drawing layout.

MR. EDSALL: Just the one sheet.

MR. ARGENIO: Get with Mark.

MR. EDSALL: You'll have to come back for another meeting to have a public hearing next visit, saved you some time.

MR. ARGENIO: Thank you.

MEADOWBROOK_ESTATES_CLUSTER_SUBDIVISION_PLAN_AMENDMENT_

(01-42)

Mr. Joseph Pfau of Pietrzak & Pfau appeared before the board for this proposal.

MR. ARGENIO: The applicant has submitted application to amend their final subdivision approval for cluster type configuration. Plan was previously reviewed at the 28 July, 2010 planning board meeting. If anybody remembers, the deal here was they had two plans and the concern of the board was they had too many, I'm going to call them ultra small lots, Henry, I don't think you were here, Henry Scheible, for this, too many of the lots were really, really small and we wanted to achieve a crossover for fire access. So it's my understanding that the applicant has revisited this and he's accomplished both, he's accomplished increasing the size of the lots and he's accomplished that cross connection into the other development which was important to everybody. Joe, what do you have to add?

MR. PFAU: We increased the size of the 25,000 square foot minimum and what we did for the crossover road if you recall one of the original alternates we had lots on both sides, we now have lots on the one side to increase the area adjacent to the existing park and also gives the town an additional access point into the park in the future. And that's pretty much it. I did have a conversation with Mark last week, our original submittal that we submitted for that alternate had a cul-de-sac that came right about into this area here and he asked me to look into looping that which this plan actually shows configurations exactly the same with the exception of eliminating the cul-de-sac and continuing it through.

MR. ARGENIO: So that's been accomplished?

MR. PFAU: Yes.

MR. VAN LEEUWEN: What's the vacant land going to be turned over to the town?

MR. PFAU: If they so choose to take it, yes.

MR. VAN LEEUWEN: The piece all the way down on the bottom, what's that?

MR. PFAU: Right here, this is is Meadowbrook Lodge, that's not part of the property.

MR. ARGENIO: I think Joe Pfau there's a portion here that the town's looking for.

MR. PFAU: Yes, that's correct, this is, it's hard to see, is the lot configuration but here's the existing park.

MR. ARGENIO: That land is here.

MR. PFAU: This area right over here, that's the Mt. Airy Park extension. Mark or Dominic, where we going tonight with this, what's the deal?

MR. CORDISCO: Well, because this is a previously approved project so this is an amendment to approval, approved project, however, there's now a new approval process that's needed in light of the fact that they're requesting clustering for this project, it was not a clustered project before, now they're requesting authorization for clustering to allow this board to waive and modify the bulk area requirements to allow these lots based on size that they're--

MR. ARGENIO: To be clustered.

MR. CORDISCO: That's exactly right. And they have to go to the Town Board and the way that works is that this board would then refer the application to the Town

Board, the Town Board would consider it and decide whether or not to grant this board the authority to consider and continue to process the application. And so that's a necessary step and that's one of the first steps that the board has to take in connection with this. But because you're now involving Town Board where the Town Board was not involved before, I think it's also appropriate to recirculate for lead agency on this project, just so that the record is entirely clear because the purpose of circulating for lead agency is to take all the other agencies out that have approval authority over the project and get their input in it now because it was circulated for lead agency in the past but without the Town Board that lead agency is a little, it's deficient so--

MR. ARGENIO: New player. I'll accept a motion we circulate.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate for lead agency on Meadowbrook Estates cluster. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. CORDISCO: At the same time, I'm sure we'll get those notices out and start the 30 day clock for comments from our involved agencies, at the same time, you could also refer this matter to the Town Board so we can get their input early on as to whether or not

they like the cluster plan or they don't.

MR. ARGENIO: Well, don't we need to concur the group of us that we like it or is it, can we change it later?

MR. CORDISCO: Oh, absolutely, I didn't mean to skip over that part, it's only if you're ready to make that referral.

MR. ARGENIO: They did what we asked them to do.

MR. VAN LEEUWEN: I think we ought to write a letter to the Town Board with suggestions to the Town Board that they accept it.

MR. ARGENIO: These guys will do that. Do you have any additional thoughts on it? From what I can see, they did what we asked. I'm looking at the notes from the last meeting and it says--

MR. SCHEIBLE: I was maybe, maybe sitting out there last meeting and this was here, there was no mention that there were sidewalks.

MR. ARGENIO: Henry, we can talk about that. Now this is a conceptual.

MR. SCHEIBLE: But I just want to put it on the record.

MR. ARGENIO: You're talking about a 16 inch, 18 inch wide sidewalk, 12 inch? Mark, go ahead.

MR. EDSALL: I just want to verify with Joe that when you were able to accomplish the thru road you were able to massage the layout and still maintain the 25,000 for all the lots?

MR. PFAU: Yes.

MR. EDSALL: They have done not only what you asked but

what I added to it in the interim.

MR. ARGENIO: Dan, you okay with the concept that we have annunciated?

MR. GALLAGHER: Yes, I do like it.

MR. ARGENIO: Joe, did you hear what Henry Scheible said about sidewalks?

MR. PFAU: Kind of.

MR. VAN LEEUWEN: He will want them 10 feet wide but he ain't gonna get it.

MR. ARGENIO: This is not the venue but it's something we'll be discussing at some point in time, just forewarned. Howard, any thoughts?

MR. BROWN: Nothing right now.

MR. ARGENIO: Mr. VanLeeuwen?

MR. VAN LEEUWEN: Nothing.

MR. ARGENIO: What do we need to do?

MR. EDSALL: What we just were discussing is that Dominic will take care of the Town Board referral. I will take care of the lead agency circulation. So Joe, if you can get us adequate copies of the latest plan and the full EAF in its latest version we can go ahead and do the lead agency circulation. Also if acceptable to the board make the referral for the amendment to Orange County Planning.

MR. ARGENIO: Fantastic.

MR. CORDISCO: I would ask the board to actually adopt or pass a motion that would authorize me to make the

referral in light of your comments to the Town Board.

MR. ARGENIO: I'll accept a motion to that effect.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

CONTINENTAL_ORGANICS_SITE_PLAN_(10-16)

Mr. Michael Finnegan and Mr. Travis Ewald appeared before the board for this proposal.

MR. ARGENIO: Last but not least Continental Organics site plan. This application proposes a change from an agricultural farm use to an agricultural hydroponics fish farm operation. The plan was previously reviewed at the 12 May, 2010, 9 June, 2010 and 30 June, 2010 planning board meetings but that's deceptive on Mark's behalf, I'm sure accidentally because this now includes, this includes the development of the Belle's, they bought the Belle's from what I understand?

MR. FINNEGAN: We're in contract.

MR. ARGENIO: I thought you said they bought it?

MR. EDSALL: That's my understanding.

MR. FINNEGAN: We were to have closed.

MR. ARGENIO: You lied to who?

MR. FINNEGAN: No lies, just a couple of--

MR. EDSALL: Mr. Chairman, the elaboration of what you said about the Belle's property is part of my comment number one, I would hate to deceive anyone.

MR. ARGENIO: When are you going to buy it? You've been in contractor forever?

MR. FINNEGAN: Well, we have a date by October 12 and fortunately, we were able to discuss a few of the title things this afternoon in the back so I think we'll get it done.

MR. ARGENIO: Are you Mr. Belle?

MR. VAN LEEUWEN: That's Mr. Baxter.

MR. FINNEGAN: It concerned his property. Since we last met, we submitted a plan and had three separate meetings with Mark Edsall and we have responded to your concerns a plan that's submitted provides access to the Baxter property which if you recall from the original site plan review we can make, adapt any reviews of the 15,000 square foot building that's there, the 15,000 square foot building, we looked at reducing the pavement area, take every measure to improve the water quality of the Brown's Pond, make visual improvements to the Belle's property, make sure we have emergency vehicle access that's sufficient and approved by the town fire commissioner and that we have complied with all the--

MR. ARGENIO: Can I interrupt you for just a second? Mark, Travis, where is the plan that has the green area annunciated in the front near Riley Road? That's the plan I want to highlight, that's the one, go ahead, sir.

MR. FINNEGAN: Well, that's the latest we have, try to do everything we possibly could to comply with your directives and just to do probably the most important thing. And if I might say, Mr. Chairman, I want to put it on the record once again for counsel's purpose here we've had lots of debates back and forth, this is an AG use in an AG district, when you submitted a ruling from the AG commissioner after consultation with the Agricultural Advisory Commission of the State of New York specifically on the question of whether aquaponics is an AG use and the ruling was yes, definitively it is. So in this capacity we're here to talk about Brown's Pond, of course because that's the thing that's of greatest concern to the public and to the chairman and to this board but in the context of doing that we also have responded to other issues that were raised by

the board and by Mr. Edsall. So that said, the plan here would shift the building to the south from the one that was originally submitted and discussed with the board. What that allows us to do is to remove an additional 2,500 square feet of pavement area for a total trying to comply with going, making the maximum improvement to water quality of Brown's Pond so what this allows us to do is to remove a total of 32,400 square feet of pavement area which is from a water quality standard the thing that most concerned everybody.

MR. ARGENIO: In lieu of grass area.

MR. FINNEGAN: Petrachemicals, what we're substituting in place of that is a large planting area, grassy area there's a term.

MR. EWALD: Rain gardens.

MR. ARGENIO: If you guys are familiar with this, the front of the Pete Belle place is a giant one acre slab of asphalt and that's, this is a big improvement.

MR. SCHEIBLE: Town water or sewer?

MR. FINNEGAN: Town water.

MR. SCHEIBLE: So we have town water and you would be using the town water for this project or are you going to be using wells?

MR. FINNEGAN: Well, we were told to use, we're in the water district, we have to use town water unless after testing it doesn't support fish life in which case--

MR. SCHEIBLE: That was my point, you're putting fish in chlorinated water.

MR. FINNEGAN: It has to be the right PH level.

MR. SCHEIBLE: So you probably would have to come to a point where you would have to drill wells?

MR. VAN LEEUWEN: I would say so.

MR. FINNEGAN: Actually, if we have an agreement.

MR. VAN LEEUWEN: Town water is going to be too expensive.

MR. FINNEGAN: We have an agreement with the neighboring property to acquire water from them in the first instance and there's an existing well on the property as well.

MR. SCHEIBLE: You're talking about a tremendous amount of water here.

MR. ARGENIO: Henry, if you remember all the water's reused, am I right?

MR. FINNEGAN: Yes.

MR. ARGENIO: But that question was asked.

MR. FINNEGAN: Yes.

MR. SCHEIBLE: So on the outset it would have to be filled?

MR. FINNEGAN: Yes, you lose about one to two percent through evaporation, we're going to take another two percent or so of daily water to make compost from some of the liquid and the heavier particles all organic by the way.

MR. SCHEIBLE: Very good.

MR. ARGENIO: Go ahead.

MR. FINNEGAN: So we're removing the macadam principally along the southern border and in the front, the original idea was to do the, along the northern border but that of course is not best from a water quality standards protection, so let me get to the bottom line here with this plan we actually exceed the DEC water quality standards by 65 percent.

MR. ARGENIO: Is that true, Mark?

MR. EDSALL: That's what our engineers have concurred on, obviously, the final report is to be submitted.

MR. ARGENIO: You guys agree?

MR. EDSALL: Yes, they have done, this is probably the fifth iteration at least they have taken continuous steps to improve the protection of the Silver Stream reservoir.

MR. ARGENIO: Look at my paper, do you know what it says on the bottom in red, Silver Stream, Silver Stream, Silver Stream, Silver Stream five times. Travis, you will protect that body of water? You'll figure out a way to do it come hell or high water you'll do that?

MR. FINNEGAN: We're doing two important things, Mr. Chairman, the first is we're reducing the amount of impervious surface area, most importantly the impervious surface area we're moving it's filled with petrachemicals and other pollutants, we're removing 3/4 of an area of asphalt and placing in its stead by retention facilities, green facilities.

MR. ARGENIO: And grass?

MR. FINNEGAN: Yes.

MR. VAN LEEUWEN: The well you have on the property now the old Belle's, how deep is that and how much water you get out of that?

MR. FINNEGAN: We don't know how deep it is, it gets sufficient water but it's not of exactly the kind of quality we'd like so we're going to access the town's water or alternatively water from a neighboring property, I'm not of which there are a number of existing well heads.

MR. ARGENIO: Mark, as this project is within an AG district and given the new scope for the development, a new referral will be required to the Orange County Department of Planning as per New York State GML 239. Mark, are we at a level of fitness in your opinion where we can do that with this thing?

MR. EDSALL: Yes, but I think we should explore with the applicant the latest version of the plan that maximizes protection of the reservoir.

MR. ARGENIO: Mark, I assume I'm looking at that on page 3 of 5 I hope we're all looking at that on 3 of 5 on the right-hand side I hope?

MR. FINNEGAN: And that's what's on the board anyway.

MR. EDSALL: Well, was there not an even later version that improved even further?

MR. FINNEGAN: That's this one right here.

MR. EDSALL: Separate from the application package because our directive I'll use that word to maximize the protection of the reservoir there has been generated a plan that shifted the building slightly in a different position provided more protection but created what might be called a zoning problem. I don't know if the applicant still is--

MR. FINNEGAN: We are.

MR. EDSALL: --exploring that alternative, but that's one that the board should be aware of. What it does it goes one step better than what was submitted.

MR. ARGENIO: Where is that and why don't we have it?

MR. EDSALL: You don't have it because it was as part of the ongoing efforts per the board's directive to work with the applicant to protect Silver Stream. Our water quality experts and the applicants' experts came up with an even better plan, the good news is it protects Silver Stream.

MR. ARGENIO: But you came up with it late.

MR. EDSALL: It is later than the submittal but the bad news for them it requires that they go to the ZBA because they encroach on the setback in one area of the site.

MR. ARGENIO: Has the applicant bought into that plan?

MR. EDSALL: The reason I raise the issue--

MR. FINNEGAN: I think we'd like to get a sense of the board before we go on to the zoning board and of course, there's an ongoing debate here as to whether or not we're even subject to the zoning board's jurisdiction because of it being an AG use.

MR. SCHEIBLE: What's the depth of the ponds?

MR. EWALD: The ponds for water quality treatment?

MR. SCHEIBLE: Yeah, in the greenhouse.

MR. EWALD: Inside the building?

MR. SCHEIBLE: Yes.

MR. FINNEGAN: It's very little below the surface, it's mostly above the ground, think of an above-ground pool, that's basically it.

MR. VAN LEEUWEN: Four to six foot high tubs.

MR. FINNEGAN: About five feet high and maybe six to eight inches below the surface of the ground.

MR. SCHEIBLE: Just to bring me up to date on the structure of that pond.

MR. FINNEGAN: It's fiberglass.

MR. SCHEIBLE: Thank you.

MR. FINNEGAN: There are some that use concrete, others that use plastic liners, ours is going to be fiberglass.

MR. ARGENIO: What do you want from us tonight?

MR. FINNEGAN: Well, we have gone through a number of iterations here, Mr. Chairman, there's another iteration that doesn't remove as much pavement area, okay, it actually has a larger greenhouse but the building is shifted to the north and we're not outside of the envelope.

MR. ARGENIO: I like that plan, something close to it, what do you guys think? It's got green area I think, at least I don't know.

MR. FINNEGAN: From the perspective--

MR. ARGENIO: I don't know how you're going to build a level or similar level pond four or five feet deep on

that slope of a parking lot that Pete Belle had but apparently you're going to submit us a plan at some point in time that's going to explain how you're going to do that.

MR. FINNEGAN: This is the greenhouse where the slopes are to our advantage, it actually reduces the pumps that are required, it actually flows.

MR. ARGENIO: You're such a smart fellow.

MR. FINNEGAN: This is where the buildings will be located and that's almost level.

MR. ARGENIO: So what do you want us to do?

MR. FINNEGAN: I guess we'd like a sense of the board first of all I know there isn't much you can do by way of voting, we know we'll be back, you wanted us to do the maximum we could to protect Brown's Pond we're willing to do it.

MR. ARGENIO: Mark seems to think you've done that and then some.

MR. FINNEGAN: We have to go to the zoning board. Is there, counsel, is there a provision for a sense of the board that would inform the zoning board that the planning board likes this plan?

MR. CORDISCO: Absolutely, this board can freely if it so chooses to give its recommendation to the zoning board, that's up to the board.

MR. EDSALL: Mr. Chairman, I want to add one more aspect onto the latest iteration, we were not only viewing the plan with an eye toward the environmental impact issue with Silver Stream, we're looking at circulation for the 30 foot uniform strip around the building for fire protection.

MR. ARGENIO: I see, is that in the notes?

MR. EDSALL: So it was a twofold reason for the shift was to create a uniform access which is the fire inspector's general request which we have provided even though they might have been able to squeeze through the other way, this is a more uniform access. That's number one. Number two, the environmental issue, the plan is the better plan, unfortunately, because of the turn in the road they encroach into the setback on one end so that necessitates the ZBA and I put it in the minutes because I know the minutes will go to the Zoning Board so they understand some of the background.

MR. FINNEGAN: And then the only thing I'd add to that is if the zoning board, the amount of space by the way it's about 2,100 square feet.

MR. ARGENIO: I can't imagine being turned away.

MR. FINNEGAN: It's a small sliver but if for some reason they object we'd like to come back with the plan that complies with the setbacks that's got the jags in it.

MR. ARGENIO: Don't stand in front of Mr. Bedetti and say please don't approve this. You'll tell me if they do that? You'll tell us please?

MR. BEDETTI: Yeah, I'll do that.

MR. EDSALL: The other aspect is we have asked that the applicant in preparing their revised SWPPP address how both the zoning compliant plan and the preferred plan that requires relief from the ZBA how they both comply with the storm water pollution requirements because that SWPPP is going to be referred as soon as we get it to the City of Newburgh engineer for his input, so just so the record is clear, we're as we've heard from DEC

in the past who inquired as to whether or not we were coordinating with the City of Newburgh and we told them we did and we're going to do it again.

MR. ARGENIO: Travis, what are these things?

MR. EWALD: This right along here, no, these, they're pine trees, existing pine trees.

MR. ARGENIO: Inside the building, oh, existing pine trees, okay, yeah, we should probably take them off of that plan or the plan, that drawing and try to consolidate drawings.

MR. FINNEGAN: I actually would prefer to keep them.

MR. ARGENIO: The trees?

MR. FINNEGAN: The trees and that would be something I'd discuss with the zoning board too if they'd allow us to shift that to keep the trees, that's why I asked the trees be kept there.

MR. ARGENIO: What else do we need to do on this, Mark, what else do we need to do?

MR. EDSALL: I think it would be beneficial if you would deem it to be incomplete in the form of the non-complying plan, refer it to the ZBA but it would be most beneficial to share your opinion on their preferred plan.

MR. ARGENIO: I'll accept a motion we declare--

MR. SCHEIBLE: Even though we're talking about the Belle's property and it's not a finished deal so we have to start all over again if that deal doesn't go through.

MR. ARGENIO: Let me just speak for a second, that's an

interesting point, you're here representing this application, do you have a proxy from the Belles? Is this lawful? Are you okay to do this?

MR. CORDISCO: He should have a proxy.

MR. ARGENIO: Do you have a proxy?

MR. FINNEGAN: Well, we had one some time ago, I assume there is one.

MR. ARGENIO: You ought to check on that.

MR. FINNEGAN: Is there not one in the file?

MR. ARGENIO: Nobody said there isn't one.

MR. CORDISCO: Certainly I don't think that the board should or needs to hold it up tonight for a proxy but certainly if you don't have a proxy when you're asking for the board to approve it.

MR. ARGENIO: We're moving along here and it's just something that Henry tripped it in my brain.

MR. EDSALL: To answer Henry's question, Henry asked what happens if this, if they don't close on the Belle's property, I remind the board that the project without the Belle's property already has conditional approval.

MR. ARGENIO: Nicole, don't worry about Dominic over there, the attorney, you have a, you have the proxy here, I just saw it.

MR. CORDISCO: Is it a proxy from the Belle's?

MR. ARGENIO: It appears to be from the Belle's and appears to be correct. Do me a favor, fax a copy to him tomorrow so we can make sure everything's in order

please if you would. I'll accept a motion we declare this application incomplete. Give me a date off that plan.

MR. EWALD: September 14.

MR. ARGENIO: Last revised 9/14/2010, please.

MR. VAN LEEUWEN: With a positive note.

MR. ARGENIO: Yes.

MR. BROWN: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You have been referred to the zoning board now, little irregular here in that you had a set of plans that was okay, Mark brought you forward, you concur you took additional steps to preserve, further preserve Silver Stream, that's where we don't have that rev in front of us, you're going to the zoning board with that rev or the one, no, you're going to the zoning board with the rev that shows that building encroaching on the north side of the property?

MR. FINNEGAN: Yes, sir.

MR. ARGENIO: Anything else you guys looking for tonight? Mark or Dominic, did I miss something?

MR. EDSALL: No, we'll wait to hear from the ZBA.

MR. FINNEGAN: I just wanted to see if when that's referred to County Planning the copy of the AG Commissioner's decision could be included in the file.

MR. ARGENIO: Dominic, did you hear that?

MR. CORDISCO: No, I did not.

MR. ARGENIO: Say it again.

MR. FINNEGAN: The AG Commissioner's decision which I gave you a copy of if that can be included in the packet to the County Planning?

MR. CORDISCO: To the County Planning Department, I mean, hold on here, I mean, I thought we were out of here but we're not. I mean, Mr. Finnegan did supply me with a decision from the AG and Markets Commissioner regarding hydroponics being an agricultural use, you're in an agricultural district, so you have to be referred to the County Planning Department so they can comment on the appropriateness of your project in that AG district. We have touched upon and I know you have made your record and you continue to make your record in regards to whether or not you're subject to zoning, whether or not you're subject to SEQRA, we have also talked about and I have shared with you a commissioner's decision from DEC saying that a hydroponic facility is subject to SEQRA, you have DEC which oversees SEQRA saying that you're subject to SEQRA and you have AG and Markets saying you're agricultural. This board has been so far treating you as with caution given your location to Silver Stream and has granted you a negative dec for your prior plan, you know, and I think that the agricultural use it doesn't trump everything else, it says that you have to give consideration and not unduly burden agricultural uses but it doesn't exempt you from what we're going through here.

MR. FINNEGAN: Nothing I've said or requested should be construed as any kind of criticism about the treatment I have received at all. This is what lawyers do as we preserve the record they'll take what notice they take of the decisions but I'd ask that it be sent to them.

MR. CORDISCO: If so then I would need to send it along with I think a letter explaining why I was sending it to them at your request and then summarize what we just talked about, if that's fine with you then I'll prepare that and it will go along with the referral.

MR. FINNEGAN: Great.

MR. CORDISCO: Okay.

MR. ARGENIO: Okay with that?

MR. FINNEGAN: I am.

DISCUSSION - AMENDED PUD - THE GROVE

MR. EDSALL: I have to ask on the issue we spoke about earlier today on the processing of the amended PUD The Grove subdivision application as to processing that under the current application number and current application whether or not the board sees any issue with you've got a conditionally approved--

MR. ARGENIO: Why wouldn't it be a new one?

MR. EDSALL: Well, the old application and it's not that old, has not yet been closed, it's subject to a PUD that the Town Board has already approved.

MR. CORDISCO: On that particular point, the PUD applied to phase 2 of The Grove project and phase 2 is a particular lot has its own section, block and lot number for phase 2.

MR. ARGENIO: I think it should be a new number.

MR. CORDISCO: What the existing application does is take that existing lot and take a portion of it and subdivide it into 22 separate lots for representing the units themselves. What we're hearing from the applicant now is that they want to proceed and do the remaining homes on that side of Hawthorne without changing the site plan but it's all part of the same lot so, in other words, they would create additional lots and it would be processed under the existing application. It would of course require a new public hearing because it's a substantial change to what's been approved, so far the benefit to the applicant is that rather than closing out and completing the subdivision now and one of the terms for that subdivision approval is that they have to amend the master homeowners' association to include those 22 lots that's an expensive and lengthy process.

MR. ARGENIO: They'll have to amend it to include some number more than 22.

MR. CORDISCO: Yes, but they'd do it once rather than doing it twice.

MR. ARGENIO: Guys keyed into this? The thing up on the hill, they want to do the rest of the condos in the same fashion.

MR. EDSALL: The bottom line is the site plan itself is not changing, they merely created individual property lines through the walls of the townhouse units, they want to do more.

MR. ARGENIO: Do you guys think we can do it under the old number?

MR. EDSALL: My theory is why do it twice if we can do it once and include all of them, they have to come back, you have to have another public hearing.

MR. ARGENIO: Collect fees. What do you guys think? I'm really ambivalent. Mark, if you think that's easier.

MR. SCHEIBLE: So be it.

MR. ARGENIO: Guys, if the professionals--

MR. EDSALL: We'll offer that option to them.

MR. ARGENIO: Fine. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

September 15, 2010

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MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

